



## **Town of Arlington, MA Redevelopment Board**

### **Agenda & Meeting Notice September 11, 2023**

Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to [cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us) by Monday, September 11, 2023 at 3:00 pm. The Board requests that correspondence that includes visual information should be provided by Friday, September 8, 2023 at 12:00 pm.

The Arlington Redevelopment Board will meet Monday, September 11, 2023 at 7:30 PM in the **Town Hall Auditorium, 730 Massachusetts Avenue, Arlington, MA 02476**

#### **1. Review Meeting Minutes**

7:30 pm      Board will review and vote to approve meeting minutes for August 28, 2023.

#### **2. Public Hearing: Docket #3766, 315 Broadway**

7:35 pm      Board will vote on a continuance of the hearing for Docket #3766 to September 18, 2023.

#### **3. Public Hearing: Warrant Article for Fall 2023 Special Town Meeting**

7:40 pm      The ARB will deliberate on the proposed zoning amendment.

#### **ARTICLE A (tentatively scheduled, subject to change) ZONING BYLAW AMENDMENT / MBTA COMMUNITIES OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw to approve an MBTA COMMUNITIES OVERLAY DISTRICT of reasonable size where multi-family housing may be constructed as of right per the terms of MGL Chapter 40A Section 3A.

- 7:40-8:00 pm – Working Group Presentation
- 8:00-8:30 pm – Board Discussion
- 8:30-10:00 pm – Open Forum
- 10:00-10:30 pm – Board Discussion

#### **Reference Materials:**

- Proposed Article – MBTA Communities Zoning Amendment
- MBTA Communities Working Group Report to ARB and Town Meeting
- MBTA Communities Compliance Alternative 1 data
- MBTA Communities Compliance Alternative 1 maps
- MBTA Communities Compliance Alternative 2 data

- MBTA Communities Compliance Alternative 2 maps

**4. Adjourn**

10:30 pm (Estimated)

**5. Correspondence**

Correspondence Received



## Town of Arlington, Massachusetts

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### Review Meeting Minutes

#### Summary:

7:30 pm      Board will review and vote to approve meeting minutes for August 28, 2023.

#### ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Reference Material	08282023_DRAFT_AMENDED_Minutes_Redevelopment_Board.pdf	08282023 DRAFT Redevelopment Board minutes

**Arlington Redevelopment Board**  
**Monday, August 28, 2023, at 7:30 PM**  
**Select Board Chambers, Town Hall**  
**730 Massachusetts Avenue, Arlington, MA 02476**  
**Meeting Minutes**

This meeting was recorded by ACMi.

**PRESENT:** Rachel Zsembery (Chair), Eugene Benson (joining remotely), Kin Lau, Stephen Revilak (joining remotely)

**STAFF:** Claire Ricker, Director, Planning and Community Development

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The Chair called the meeting of the Board to order.

The Chair opened with **Agenda Item 1 – Review Meeting Minutes.**

July 10, 2023 – The Board had no comments on the minutes. The Chair requested a motion to approve the July 10 minutes. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

July 24, 2023 – Mr. Lau had one minor correction. The Board had no further comments on the minutes. The Chair requested a motion to approve the July 24 minutes as amended. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 2 – Public Hearing: Docket #3760, 1306-1308 Massachusetts Avenue.**

Natalia Quirino, the designer for the project, and the applicant, Ricardo Bautista, were both present. Ms. Quirino said that the proposed design consists of interior renovation for existing retail space and office space. 1306 Mass Ave is currently an office space, and 1308 Mass Ave is currently a retail space; the applicant's plan is to switch them. The office space would be for RB Farina Roofing Company, a company serving the area for the past 40 years. They wish to expand their offices and include a showroom for customers. They are not proposing any change to the size of the footprint or to the exterior of the building, except for a new sign. No structural work will be done. The building will be ADA compliant.

Ms. Ricker said that Docket #3760 is an application for a Special Permit for a change of use from retail to commercial office of greater than 3,000 square feet in the B3 Village Business District. Some signage is associated with the project. DPCD received a drawing showing the dimensions of the signs, but no detail or section and no indication of whether the sign will be internally illuminated. The Board will need to decide whether to have the applicant submit detailed drawings of signage to DPCD for review, or whether they need to come back before the Board. Ms. Ricker said that no parking spaces are associated with this property, but that is typical for the area. They did not submit a parking plan. A new office would typically require 7 parking spaces with 2 short-term bicycle spaces and 2 long-term bicycle spaces. The Board may be interested in considering requiring some interior bicycle parking and/or storage on the site.

Mr. Lau asked if the applicant owns or is leasing the building. Ms. Quirino replied that they purchased the building in December 2022. Mr. Lau said that the back courtyard of the building is a mess; it has improper drainage and is always swampy, and it is strewn with debris. It is an eyesore and a breeding ground for insects. He asked if the applicant plans to clean up and drain that space. Ms. Quirino said that they are planning to clean it up and make sure that the area looks good.

Mr. Lau pointed out that there is currently an exterior door that exits to the driveway to Citizens Bank, which the plans indicate will be filled in. Mr. Lau said that if they have an easement there, they could use it as access to two long-term bicycle parking spots for employees. That would enable employees to park on the side without having to drag a bike all the way through the showroom and office. He also asked about means of egress, because other than the front door, the side door they're planning to fill in is their only other means of egress. Ms. Quirino replied that there is also a back door, but Mr. Lau pointed out that the back door only leads to the back courtyard, which is fully enclosed and would not enable someone to safely leave the building in an emergency. Ms. Quirino said that they could keep the side door open. Mr. Lau said that even if they keep the door, it's not an acceptable means of egress because it's not 3 feet wide and has

a curb. The Chair said that the applicant will have to work that through with the Building Department. Mr. Lau pointed out that in order to create a second compliant means of egress, they will probably have to change their interior plans and sacrifice some of the space to create a corridor to a second exit.

Mr. Lau asked where the work trucks for the roofing company would park. Ms. Quirino replied that they have a parking lot in Malden, where their Operations Department is located. The Arlington location will have only their sales team and management.

Mr. Lau is supportive of this project. The storefront has been empty for a long time, and putting something there is good.

Mr. Benson said that he also thinks this a good project and is happy to see the space be used. He asked if they would be able to fit two indoor bicycle parking spaces into the office area. Ms. Quirino replied that they would. Mr. Benson noted that they don't have their own property outside, but they should work with the Town to see if there's a place for additional outdoor bicycle parking. Ms. Quirino agreed.

Mr. Benson asked about their plans for the retail space. Ms. Quirino said that they have no current prospective tenants.

Mr. Benson asked if they plan to have exterior lighting. Ms. Quirino said that they do not. Their only plan for the exterior is a sign, without illumination.

Mr. Revilak is also pleased that this building has a new owner willing to invest in it. He asked about the blue bicycle rack in the northeast corner of the property, and Ms. Quirino said that they plan to keep it.

Mr. Revilak pointed out that the current rendering of the sign does not leave the required space at the top and bottom of the sign (20% of the sign band or 12 inches on the top and bottom, whichever is less). He suggested centering the sign.

The Chair also commented on the sign. She would be comfortable moving for an administrative approval, which means that a detailed signage package must be submitted to DPCD for approval, as long as it falls within the Board's guidelines as to the spacing at the sides and top and bottom. If they're looking for relief from those guidelines, they would need to come back before the Board. She also noted that the building sign band is at a slight pitch, and she would like to see a more detailed rendering that would allow the Board to understand how the sign will be mounted so that it's easily legible. She noted that the black text shown in the current rendering on the dark background is difficult to read. She would encourage them to think about the legibility of the sign as they're working through the final details.

The Board had no further comments, so the Chair opened the floor to public comment. No one responded, so the Chair closed public comment for Docket #3760.

The Chair summarized the potential conditions for approval:

- To submit an application for a sign permit, including a complete sign package. DPCD will determine whether it can be administratively approved because it meets the signage bylaws in the zoning bylaw, or whether the applicant needs to come before the Board again for signage approval.
- To include two interior bicycle parking spaces. Through DPCD, they can also request the Board's bike parking standards, which includes requirements about the types of interior racks that have been approved.
- To work with the Town to locate a space for exterior bike parking.
- To work with the Building Department for all required reviews, which would include a review of the location of a second means of egress.
- To clean and maintain and ensure proper drainage of the rear courtyard.

Mr. Benson noted that the Board would need to both approve the change of use and waive the parking requirements, both of which should be noted in the final decision.

Mr. Benson also commented that the Required Submittal Checklist includes Sustainable Building and Site Design Elements. Applicants are required to either do a solar energy systems assessment or give a detailed explanation of why the project meets an exemption. That was not done in this case. Mr. Benson believes they meet the exemption as a

change of use, so he will not raise it as an issue for this applicant, but in the future, applicants should be told that they must fulfill that requirement on the checklist, or they cannot go before the Board.

The Chair noted for the record that the Board is waiving the requirement for parking on-site that is relative to Section 6.1.5 of the Zoning Bylaws.

Mr. Revilak noted that the property already has a bicycle rack installed, which they are planning to keep, so the condition that they work with the Town to install bike parking is unnecessary. Mr. Lau said the currently existing four-bicycle rack is not the property of the applicant. Mr. Revilak retracted his suggestion.

The Chair asked for a motion to approve Docket #3760, for 1306-1308 Massachusetts Avenue, with the previously stated conditions, noting that approval would involve approving the change of use and waiving the parking requirement. Mr. Lau so moved, and Mr. Benson seconded. The Board voted unanimously.

The Chair moved to **Agenda Item 3 – Public Hearing: Docket #3759, 355 Massachusetts Avenue.**

Seth Morrissey, the architect for the project, represented Sarah Courtney and Matt Owens. Dr. Courtney currently runs her business out of the first floor and wishes to renovate the residential unit above that for the use of herself and her family. This project involves no change of use; there has been a business on the first floor for around 50 years. The bulk of the work is focused on the second and third floor. In order to make the space safer and more livable, they have determined a need to renovate much of the exterior. The building has had multiple additions and renovations over the years, resulting in different levels and heights, some of which has led to water damage. The plan is to add space to the second floor and clean up the rooflines on the rear of the building. The height of the main roof ridge will remain the same but will be extended to the back of the building, simplifying the massing. Replacing the windows is part of the renovation of the second and third floors, and they decided to replace them on the first floor as well to match the upper floors. They're replacing the vinyl siding with new four-inch clapboards typical of the residential neighborhood surrounding the property. They plan to add a porch cover over the existing stone porch to add character and make the entrance more inviting. They plan to leave the main gable in the front and replace the existing windows with traditional double-hung windows. They plan to add paneling detail to all the bay windows, because it is a typical detail with a hardy blank clapboard. They plan to add another covered porch on the rear of the building, which will be the client's main access into the residential space. They plan to add dormers on the third floor to give the client more space. Overall, the goal is to simplify the structure and make it more appealing.

Ms. Ricker said that Docket #3759 is an application by Matt DeMello of DeMello Fine Building and Woodworking for a Special Permit under the jurisdiction of the Board. The applicant seeks approval of significant exterior renovation and addition of a covered porch in a mixed-use building on Mass Ave. She commented that no bicycle parking is included as this is also a residence, and the building driveway serves as the residential driveway. She is not sure if the driveway will also serve the business, but there is ample parking on Mass Ave, which has successfully been used by this business for years. She did speak with Mr. Morrissey about solar; the roof will be solar-ready. The owner is looking into what it will cost to install solar. This is not a historic building, and the use has been in place since at least 1980. In terms of LEED standards, they'll be using Energy Star-certified appliances, mechanical systems, etc.

Mr. Lau said that he has no questions, and he supports the project.

Mr. Benson said that he did not think that the Board would require a bike rack, but he asked if Dr. Courtney would be open to installing one for the use of her clients. Mr. Morrissey said that they did discuss the possibility of a bike rack. However, the site has a retaining wall and would require a significant amount of work to create space for a bike rack. They would prefer not to add a bike rack to the driveway, because that is Dr. Courtney's private residence.

The Board had no further comments, so the Chair opened the floor to public comment. No one responded, so the Chair closed public comment for Docket #3759.

The Chair asked if any Board members had special conditions to be met by the project; they did not.

Mr. Morrissey stated that Dr. Courtney has had to move out of her residence and has been unable to work in the office space because of the work being done. In order to expedite the process and enable Dr. Courtney to more quickly return to her home and work, he asked for a waiver of the 20-day appeals period after the Board's decision. The Chair replied

that the Board cannot waive the appeals period. Mr. Lau said that the applicant can proceed at their own risk. If they do so and the project is challenged during the appeals period, the applicant may have to undo work that's already been done. Other projects have proceeded at their own risk in the past. The Chair noted that they would still need to pull a building permit.

The Chair asked for a motion to approve Docket #3759, for 355 Massachusetts Avenue. Mr. Lau so moved, and Mr. Benson seconded. The Board voted unanimously.

The Chair moved to **Agenda Item 4 – Public Hearing Docket #3752, Calyx Peak, 251 Summer Street.**

The applicant was not present. Ms. Ricker stated that at 10:35 this morning, she received an email from the applicant asking that this hearing be continued at least until October 2. The current plan for the project is that the property will be divided into two parts. The property owner would maintain an automobile sales business on a portion of the property, and Calyx Peak would operate a cannabis dispensary on the other portion. The property owner and the applicant have both asked the Board if they would be willing to evaluate the Calyx Peak project separately from the auto sales business, even though they will be on the same property. The owner does not wish to make improvements to the auto sales side of the property, while Calyx Peak would be making improvements to the portion of the property with the cannabis dispensary. According to Town Counsel Doug Heim, it is at the discretion of the Board whether they are willing to evaluate the project in this way. The project as it is currently proposed, with the two uses on the same site, has not been reviewed by the Select Board, the Department of Health and Human Services, or the Arlington Police Department. The original project as presented to those entities to secure the host agreement showed Calyx Peak operating the cannabis dispensary as a single business, without co-location of the auto sales.

The Chair said that there are two points on which the Board needs to come to consensus:

- Does the project need to go back in front of the Select Board, HHS, and APD before the Board reviews it? Are the proposed changes substantial enough that it must be re-reviewed in terms of the host agreement?
- If the Board determines that the project does not need re-review, is the Board willing to continue the hearing to October 2?

Mr. Lau said that he thinks the project has changed enough that the applicant needs to go back to the other entities, and only return to the ARB once the host agreement has been reviewed.

Mr. Benson said he thinks that the question of whether the applicant needs to go back to the Select Board is not up to the Redevelopment Board. If the Select Board, HHS, and APD are comfortable with the new proposal and do not think that they need to review it again, he would be comfortable reviewing a new proposal from Calyx Peak, but not the current proposal. He would need to understand exactly how they plan to deal with the shared site. He also noted that the Board does not have a traffic study in its record. The Board cannot make a decision based on a traffic study that was only shared with the Select Board. In addition, the traffic study is a few years old and was based only on the presence of the cannabis dispensary, not the auto sales location. The Board should require an entirely new traffic study based on the two businesses co-locating and on current traffic conditions.

Mr. Revilak would also defer to the Select Board, HHS, and APD about whether they felt another review was necessary. If they did not, he would be comfortable reviewing the project on its merits.

The Chair agreed and said that the Board should ask the applicant to approach the other three entities to determine whether a new review would be required. She also asked if the Board feels that the project has changed enough that rather than continue the hearing, it should ask the applicant to reapply, because it is a substantially different project at this point. She leans toward asking the applicant to reapply.

Mr. Lau said that he would like to close this hearing for Docket #3752, and to ask the applicant to approach the Select Board, HHS, and APD. Once the applicant has approval from those entities, they can reapply to the Redevelopment Board. He also noted that Calyx Peak has cancelled hearings three times now.

Mr. Benson said that he would be fine with the applicant submitting a revised proposal under their current application.

Mr. Revilak agrees with Mr. Lau that this Docket should be closed. He asked if the Board can close the Docket or if the applicant would have to withdraw. Ms. Ricker said that she thinks the applicant would have to withdraw, and she can convey that request to the applicant.

The Chair asked for a motion to request that the applicant withdraw the current application, that they approach the Select Board, the Arlington Police Department, and the Department of Health and Human Services to determine whether a new host community agreement would be required, and that they reapply to the Redevelopment Board when a host community agreement is confirmed to be in place and their materials about their plans are fully compiled. Mr. Lau so moved, and Mr. Revilak seconded. The Board approved unanimously.

The Chair stated that at a future Board meeting, they will either vote to accept the applicant's withdrawal, or they will vote against the current application as it stands, either of which will close Docket #3752. She proposed giving the applicant until October 2 to formally withdraw.

The Chair moved to **Agenda Item 5 – Open Forum.**

The Chair invited anyone attending the meeting to address the Board. She said that each speaker would be allowed three minutes.

- Jim Doherty, 68 Brantwood Road – In December 2020, the Board granted approval to the Lexington Hotel. The hearing started prior to COVID, which substantially impacted the hospitality industry. He has tried to communicate with DPCD but has had minimal dialogue. He would like to request getting on the Board's agenda to request a continuation of the approval previously granted. The Chair replied that she and Ms. Ricker have spoken about this, and the Board's intention is to include this issue on the agenda for the Board's October 2 meeting.

The Chair moved to **Agenda Item 6 – New Business**

Ms. Ricker stated that DPCD has received updated guidelines from the Commonwealth with regard to MBTA Communities, as it relates to commercial development. She and Sanjay Newton, the Chair of the MBTA Communities Working Group, are developing a memo in response to the updated guidelines. They think that the work done thus far is solid, and the bonuses and incentives for commercial development go further than the updated guidelines. The fact that the MBTA Communities zoning district has stayed out of all commercial zones means that the updated guidelines have a minimal effect on the current MBTA Communities plan. The memo is not yet available, but Ms. Ricker and Mr. Newton will distribute the memo at the MBTA Communities Working Group tomorrow (August 29, 2023).

Mr. Benson said that his initial response to the updated guidelines is that they probably wouldn't be very helpful for Arlington. However, because he has been out of the country, he hasn't seen the latest map and all the current details of the MBTA Communities plan, so he doesn't have the context to really judge how the updated guidelines will affect it. His thinking up to this point has been that if a developer opts into the bonuses, it becomes a Special Permit process. He thinks that this is a better way to evaluate mixed-use developments than creating a Site Plan Review which does not give the Board as much authority and leeway as putting it in Special Permit Review. He also thinks that this is a better way to approach the situation than what the updated guidelines suggest.

Mr. Revilak said that he does not think that it is necessary to adopt the updated guidelines. The decision to go with bonuses to encourage ground-floor commercial development will achieve the same effect. Because they're not using any parcels in the business or industrial districts, there's no reason to mandate the inclusion of commercial development. He said that he would have to give some additional thought to Mr. Benson's suggestion.

Mr. Lau said that he thinks that the MBTA Communities Working Group will not like Mr. Benson's suggestion. The Working Group has been talking about the bonuses as being by right and therefore not requiring a Special Permit. Mr. Benson's suggestion would mean that for a developer to get any bonuses, they would have to go through the Special Permit process, which might not give them approval. As a result, they will have less of an incentive to do the kinds of mixed-use developments the Board is trying to encourage in order to get the bonuses.

The Chair said that she thinks that the Board needs to see what is being planned for Site Plan Review, because at this point they don't know what exactly will be included in that process. Mr. Benson replied that no matter what is proposed, its criteria will not be as significant and far-reaching as the Special Permit criteria.

Mr. Revilak said that the Working Group is discussing three different bonuses: one for the inclusion of ground-floor commercial space, one for the inclusion of additional affordable units, and one for a project that is certifiable as SITES Gold. He asked Mr. Benson if he would want the Special Permit process to be required for all three of those, or only for the ground-floor commercial bonus. Mr. Benson replied that the Board would need to decide if it likes all three of those bonuses and would want to put them all into the same package. He would probably be okay with Site Plan Review for affordable housing, but he would need to better understand the incentives involved. The Chair said that the Board really needs to see the whole package before they can make such decisions.

Mr. Benson stated that he had heard that the current MBTA Communities plan would not require full SITES certification but only a lesser standard. If that is the case, he is very concerned about taking a standard that took years of the Green Building Council to come up with and stripping things out of it, while still giving people credit for meeting a reduced standard.

The Chair said that the agenda for the Board meeting on September 11 is to review the full MBTA Communities package. September 11 is also the day that the Warrant opens and closes. The Board has several articles outside of MBTA Communities that they have already reviewed and voted on, which were put on the Spring Town Meeting agenda but postponed. Those can easily be put onto the Warrant. They are:

- Modify requirements for landscaped and usable open space in the business districts.
- Reduce rear yard setbacks in business districts.
- Clarify and adjust stepback requirements in business districts.
- Eliminate or reduce the reduced height buffer area.
- Modify corner lot requirements.
- Adjust height and story minimums in business districts and add minimum height requirement.

In addition to the above, the Board will need language around the MBTA Communities zoning proposal, which will need to be broad, because it will encompass multiple sections of the zoning code and create an overlay. The Site Plan Review process will be included within that. Ms. Ricker said that in the current plan, the Board will use the Environmental Design Review process as Site Plan Review. Ms. Ricker sent an MBTA Communities package to EOHL (the Executive Office of Housing and Livable Communities) for pre-adoption review. She will share that package with the Board to be a reference prior to the September 11 meeting.

Because the warrant opens and closes before the September 11 Board meeting, some members of the Board will need to work with Ms. Ricker to write the warrant article language. It must be written such that the Board does not need to review and vote on the language of the warrant (which is not the same as the full language of the article, which they will review and vote on).

The other warrant articles that the Board identified as things they would like on the Town Meeting Warrant are:

- Rezone the St. Camillus parcel. The Board is not currently in a position to pursue that article, so it will be removed from the list for Fall Town Meeting and possibly revisited for Spring Town Meeting.
- Remove single and duplex/two-family by right in the business districts.
- Add street tree requirements for every 25 feet of street frontage for all developments.

The Chair proposed that she work with Ms. Ricker and perhaps Mr. Benson to make sure that appropriate language is submitted in the open warrant article period. This would not affect the Board's hearing process. They would still need to develop the full language for the article. Mr. Lau said he is fine with that proposal. Mr. Benson said that he would like to review the language before the articles are submitted. He thinks that all the warrant articles except the one for MBTA Communities will be simple. He is very concerned about the exact wording of the MBTA Communities warrant article. The Board has at times failed to use the right wording in warrant articles and as a result been unable to do what they wanted to do. Neither he nor the Chair have yet the map or the final proposal from the Working Group, and it is possible

that they will want changes, so the language for the warrant needs to be broad enough to allow for flexibility. Mr. Revilak is comfortable with delegating the drafting of the warrant to the Chair and Ms. Ricker.

Mr. Benson said he would like to include another article with a minor change to one of the zoning bylaw sections. The reference in it is to the wrong section, which needs to be corrected. It should be possible to include that in the warrant as well.

The Chair reported that the Zoning Board of Appeals requested that the Redevelopment Board include two articles. She asked if they would be willing to postpone them until the spring, and they agreed.

Mr. Benson thanked everyone involved in the MBTA Communities process. It's been a long and difficult process that has angered many people, and he knows that everyone involved with it has been getting a lot of feedback, some of it negative. He appreciates how hard they have all worked. The Chair said she wanted to extend that thanks to all the members of the public who have attended meetings and commented there or in other forums, as their feedback has been helpful to the process.

Ms. Ricker informed the Board that the Community Outreach team of the MBTA Communities Working Group has created a postcard to be mailed out to all residents of Arlington. It includes a QR code for the MBTA Communities webpage and encourages people to provide comment at the September 11 meeting. The postcard was sent out this afternoon. A separate postcard with a legal notice about the MBTA Communities hearing at the September 11 meeting will also be going out to approximately 4500 property owners whose properties are in the zone or abut it. Mr. Benson asked what happens if the map changes, and it includes or abuts property owners who didn't receive the first legal notice. Will new notifications be sent to them? Ms. Ricker responded that it is a legal requirement to send out a notice in advance of a hearing to anyone within 300 feet of the edge overlay. She does not anticipate changes to the map that are significant enough to require notifications to a different group of property owners. If that happens, they will be notified.

The Chair asked for a motion to adjourn. Mr. Lau so moved, and Mr. Benson seconded. The board voted and approved unanimously.

Meeting **Adjourned** at 9:00 pm.



## **Town of Arlington, Massachusetts**

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### **Public Hearing: Docket #3766, 315 Broadway**

#### **Summary:**

7:35 pm      Board will vote on a continuance of the hearing for Docket #3766 to September 18, 2023.

#### **ATTACHMENTS:**

Type	File Name	Description
❑ Reference Material	Docket_#3766_continuance.pdf	Docket #3766 continuance

**From:** Stuart Pitchel <[stuart@srpsigns.com](mailto:stuart@srpsigns.com)>  
**Sent:** Thursday, September 7, 2023 9:25 AM  
**To:** Claire Ricker <[cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us)>  
**Cc:** Adam Knauer <[adam@srpsigns.com](mailto:adam@srpsigns.com)>; Mary Finigan <[mary@srpsigns.com](mailto:mary@srpsigns.com)>  
**Subject:** RE: Continue 9/11 sign hearing to 9/18

Hi Claire.

Thank you for the heads up and yes, we're fine with the new date of the 18<sup>th</sup>

Stuart



stuart pitchel . srp sign corporation

o 617.623.6222 c 781.953.8477 [www.srpsigns.com](http://www.srpsigns.com)

**From:** Claire Ricker <[cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us)>  
**Sent:** Thursday, September 07, 2023 9:21 AM  
**To:** Stuart Pitchel <[stuart@srpsigns.com](mailto:stuart@srpsigns.com)>  
**Cc:** Adam Knauer <[adam@srpsigns.com](mailto:adam@srpsigns.com)>; Jennifer Joslyn-Siemiatkoski <[JenniferJS@town.arlington.ma.us](mailto:JenniferJS@town.arlington.ma.us)>  
**Subject:** Continue 9/11 sign hearing to 9/18

Hi Stuart -

Per our phone conversation earlier this week – we'd like to continue the Thai Moon sign hearing from the 11<sup>th</sup> to the 18<sup>th</sup> as we anticipate a full house in attendance for the MBTA Communities hearing the same night. If you or Adam could respond to this email and let me know you've received it and approve the continuance, I'd be much obliged.

Thanks!

Claire V. Ricker, AICP  
Director  
Department of Planning and Community Development  
Town of Arlington  
cell: 978.656.1325  
desk: 781.316.3090  
[cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us)

\*Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.\*



## Town of Arlington, Massachusetts

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### Public Hearing: Warrant Article for Fall 2023 Special Town Meeting

#### Summary:

7:40 pm The ARB will deliberate on the proposed zoning amendment.

#### **ARTICLE A (tentatively scheduled, subject to change)**

#### **ZONING BYLAW AMENDMENT / MBTA COMMUNITIES OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw to approve an MBTA COMMUNITIES OVERLAY DISTRICT of reasonable size where multi-family housing may be constructed as of right per the terms of MGL Chapter 40A Section 3A.

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#### ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	230906_MBTA-C_zoning_articles.pdf	Proposed Article - MBTA-C Zoning Amendment
<input type="checkbox"/> Reference Material	MBTA_Communities_Final_Report_Fall_2023.pdf	MBTA Communities Working Group Final Report

**Draft Zoning Regulations**  
**MBTA Communities**  
**August 17, 2023; edited September 6, 2023**

**MOTION:**

That the Zoning Bylaw of the Town of Arlington, Chapter 5. DISTRICT REGULATIONS be amended by adding Section 9 Multi-Family Residential Overlay Districts under MGL Chapter 40 Section 3(A), renumbering existing Section 9, and amending the Zoning Map as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Zoning Bylaw of the Town of Arlington:

- 1) In SECTION 2 DEFINITION/s, add a new definition as follows:

**EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES (EOHLC)**

The Massachusetts Executive Office of Housing and Livable Communities.

- 2) Add Section 5.9 Multi-Family Residential Overlay Districts under MGL Chapter 40 Section 3(A) as follows:

The Multi-Family Residential Districts under MGL Chapter 40 Section 3(A) consist of two districts, the **Mass Ave/Broadway Multi-Family (MBMF) and Neighborhood Multi-Family (NMF) Overlay Districts**. The purposes of the Multi-Family Residential Districts are:

1. To respond to the local and regional need for housing by enabling development of a variety of housing types;
2. To promote multi-family housing near retail services, offices, civic, and personal service uses;
3. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation such as the Alewife rapid transit station, bus stops, the Minuteman Commuter Bikeway, and major transportation routes;
4. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
5. To respond to the local and regional need for affordable housing by allowing for a variety of housing types with affordable housing requirements;
6. To encourage economic investment in the redevelopment of properties;
7. To encourage residential uses to provide a customer base for local businesses; and
8. To ensure compliance with MGL c. 40A § 3A.

- 3) Overlay District. The Mass Ave/Broadway Multi-Family (MBMF) and Neighborhood Multi Family (NMF) Overlay Districts shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply to developments on lots located within the Mass Ave/Broadway Multi-Family and Neighborhood Multi Family Overlay Districts where the property owner has elected to comply with the requirements of the Mass Ave/Broadway Multi-Family or Neighborhood Multi Family Districts, rather than complying with those of the underlying zoning district. If a proposed project is located on parcels within both the Mass Ave/Broadway Multi-Family and the Neighborhood Multi-Family Districts, the provisions of the Mass Ave/Broadway Multi-Family District shall govern.

4) Procedures and Regulations. Development under this section requires Site Plan Review by the Arlington Redevelopment Board (ARB) acting in its role as the Planning Board and Special Permit Granting Authority (SPGA) as under section 3.3.1 of this ZBL and the Town Manager Act of the Town of Arlington, Massachusetts. The ARB shall provide site plan review administratively for projects via the existing Environmental Design Review (EDR) standard and the Residential Design Guidelines for site layout including lighting, landscaping and buffers, architectural style, outdoor amenities, and open spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and EOHL's current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.

A. Site Plan Review

1. § 3.4.2 does not apply
2. § 3.4.3.D. and E. do not apply

B. Permitted Uses.

1. All developments under this section shall include multi-family housing.
2. Developments in MBMF District may also include nonresidential uses permitted in an underlying zoning district or in B2 districts, by right or by Special Permit. Non-residential uses are not permitted in the NMF District.
3. Accessory uses for residential uses are permitted to the same extent they would be permitted in the underlying district.

C. Dimensional controls. The dimensional controls are modified as follows for developments under this section:

1. § 5.3.1 Lot Area Per Dwelling Unit does not apply.
2. § 5.3.3 Spacing of Residential and Other Buildings on One Lot does not apply.
3. § 5.3.8 Corner Lots and Through Lots does not apply.
4. § 5.3.11 Dimensional Requirements for Courts does not apply.
5. § 5.3.12(A) Traffic Visibility Across Street Corners does not apply in the MBMF district.
6. § 5.3.14 Townhouse Structures does not apply
7. § 5.3.1.7 Upper-Story Building Step Backs are required on all street frontages. Step Backs shall be 7.5' from the property line, starting on the fifth floor.
8. § 5.3.19 Height Buffer Area shall not apply.
9. There shall be no requirements for minimum lot size, lot area per dwelling unit, lot frontage, landscaped or usable open space, Floor Area Ratio, or lot coverage.
10. The minimum required front yard is 15 feet, except that in the MBMF district where the ground floor façade facing the public way is occupied by nonresidential uses, no front yard is required. Minimum required front yard areas shall be available for uses such as trees, landscaping, benches, tables, chairs, play areas, public art, or similar features. Parking spaces are not permitted in the minimum required front yard.
11. § 5.3.10, Average Setback Exception to Minimum Front Yard: All R Districts, may be applied in the NMF District.

12. Except as noted below, in *Section a. Bonuses*, the dimensional regulations are as follows:

District	MBMF – Mass. Ave	MBMF – Broadway	NMF
Max. Height in Stories	4	4	4
Max. Height in Feet	52'	52'	46'
Front Setback	15'	15'	15'
Side Setback	5'	5'	10'
Rear Setback	20'	20'	20'

- a. Bonuses: In the MBMF District, for properties abutting Massachusetts Avenue, where the ground floor at street level is at least 60% occupied by business uses, and the frontage is at least 80% occupied by business uses, the maximum height is 6 stories and 78 feet, and the front yard setback requirement is reduced to 0 feet. In the MBMF District, for properties abutting Broadway, where the ground floor at street level is at least 60% occupied by business uses, and the frontage is at least 80% occupied by business uses, the maximum height is 5 stories and 65 feet, and the front yard setback requirement is reduced to 0 feet.
  - i. In the MBMF District, one additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements by 7.5%, for a total of 22.5% of all units. In the MBMF District for properties facing Massachusetts Avenue, an additional story above that may be added if the development's total affordable housing units exceeds the required percentage by an additional 2.5%, for a total of 25%.
  - ii. In the MBMF District, one additional story is allowed for projects that are SITES certifiable, which encourages high quality design, construction, and maintenance of outdoor spaces.
  - iii. The height with all bonuses shall not exceed 6 stories, 78 feet in the MBMF District on Massachusetts Avenue, 5 stories, 65 feet in the MBMF District on Broadway, and 4 stories, 46 feet in the NMF District.

D. Off-Street Parking and Bicycle Parking.

- 1. The minimum parking requirement for dwelling and rooming units is 0 parking spaces per unit, and the maximum parking allowed is one parking space per dwelling or rooming unit. For business uses, no off-street parking is required for the non-residential space.
- 2. Up to 50% of parking spaces may be sized for compact cars (8 feet by 16 feet, per Section 6.1.11 Parking and Loading Space Standards).
- 3. Bicycle parking requirements as set forth in Section 6.1.12 shall apply.
- 4. Developments under this section may provide fewer parking spaces under the provisions of S.6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones.
- 5. All other parking provisions in Section 6.1 OFF STREET PARKING shall apply.

E. Affordable Housing.

1. In any development containing six (6) or more dwelling units, at least 15% of the dwelling units shall be Affordable Units as defined in Section 2. DEFINITIONS, and shall conform to all of the affordable housing requirements in Section 8.2.3 Requirements and Section 8.2.5 Administration, and must be eligible for inclusion on the EOHLCS Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded up. If EOHLCS determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development containing ten (10) or more units shall be Affordable Units conforming with Section 8.2 of the Zoning Bylaw, and eligible for inclusion on the Subsidized Housing Inventory. Bonuses as described in Section 5.9.x.x shall be applicable over and above the allowed affordable housing percentage.
- 5) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to be known as MBMF and NMF Overlay Districts: [\[VIEW MAPS HERE\]](#).

# TOWN OF ARLINGTON MASSACHUSETTS

## REPORT OF THE MBTA COMMUNITIES WORKING GROUP



TO THE ARLINGTON REDEVELOPMENT BOARD  
and TOWN MEETING

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# **Letter from the Director of the Department of Planning and Community Development and the Chair of the MBTA Communities Working Group**

Dear Members of the Redevelopment Board and Town Meeting Members,

We are pleased to present to you this report of the MBTA Communities Working Group (Working Group).

This report sets forth the rationale for the Working Group's proposal for an overlay zoning district to allow by-right multi-family housing in Arlington in accordance with Section 3a of M.G.L. Chapter 40A and guidelines released by the Executive Office of Housing and Livable Communities (EOHLC), formerly known as the Department of Housing and Community Development (DHCD).

The Working Group's recommendations are the product of eight months of public engagement, research, and deliberation with support from the Department of Planning and Community Development (DPCD) and the Diversity, Equity, and Inclusion Division. The timeline for this project was challenging, but the Working Group has crafted a thoughtful proposal that reflects the needs and values of the Arlington community.

A particular highlight for both of us was the June 8<sup>th</sup> public forum, which had overflow capacity, and featured community members sitting around tables with maps discussing where and how to allow multi-family housing in Arlington. The positive energy and conversations from that evening have continued to influence us through the many long meetings required to complete the Working Group's proposal.

The Working Group has created a proposal that over time will result in new multi-family housing and helps Arlington make progress on the goals we share as a community: to be welcoming and inclusive, to be climate leaders, to give access to our open spaces, and to support vibrant businesses.

We hope that you will give careful and serious consideration to the Working Group's proposal for an overlay zoning district to allow by-right multi-family housing in Arlington and we respectfully request that you vote to support this proposal.

Sincerely,

Claire Ricker  
Director of Planning and Community Development

Sanjay Newton  
Chair, MBTA Communities Working Group

# Executive Summary

Arlington and the greater Boston region need more housing in a variety of sizes and at a variety of price points. Our region is experiencing a well-documented housing crisis because we have not built enough new homes to keep up with economic and population growth in recent decades. Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation, and Arlington is part of this trend. The State's Future of Work study estimated a shortage of up to 200,000 homes. The relentless demand for homeownership opportunities in the Boston Metro Area's high-cost market has contributed to a gradual drop in Arlington's rental supply, with continued conversions of older two-family dwellings from rental housing to condominiums and consolidating most rental properties in East Arlington along Massachusetts Avenue.

The multi-family housing requirements for MBTA Communities come from Massachusetts General Law Chapter 40A Section 3A ("Section 3A"), which was enacted in 2021. The law requires each of the 177 MBTA Communities (as defined in General Law 161A, Section 1) to provide at least one zoning district where multi-family housing (three or more dwellings) is allowed by right. The zoning must allow at least 15 dwelling units per gross acre, not be age restricted, and allow housing that is suitable for families with children.

Today in Arlington, multi-family housing (3+ homes) requires a Special Permit. The districts that allow multi-family housing are located in pockets, mostly in the places where multi-family housing existed in 1975. Much of our current zoning dates to a major rewrite of our master plan, zoning map and zoning bylaw completed in 1975, which followed a moratorium on the construction of apartment buildings. Other cities and towns around Boston enacted similar restrictions during this period. With the notable exception of allowing mixed-use in the B1-B5 districts in 2016, the 1975 limits and requirements placed on the creation of multi-family housing in Arlington remain largely in place today.

Arlington's Fair Housing Action Plan<sup>1</sup>, adopted in July 2021, notes that our current zoning bylaw is "in many areas, more restrictive than Arlington's historic development patterns" and the action plan includes recommendations to "allow three-family, townhouse, and multi-family housing options by right in districts nominally meant for them" and to "amend restrictive

## *More housing in a variety of sizes benefits:*

- seniors having trouble finding appropriate housing to downsize into
- municipal workers who want to live in the community they serve
- young adults who grew up in Arlington but can't afford to return
- young families just starting out, and
- people who need housing with accessibility features

<sup>1</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/57214/637620332766000000>

dimensional and parking requirements for multi-family uses that make development infeasible in districts where those uses are appropriate.”

The 2022 Town of Arlington Equity Audit included 12 recommendations, one of which was related to zoning. It recommends that Arlington “address restrictive policies for residential zoning districts in order to allow for desegregation.” The equity audit specifies three strategies for doing so: removing the requirement for a special permit to develop multi-family housing; allowing the development of multi-family housing in the R0 and R1 zones; and allowing for an inclusionary zoning bonus in high-density residential zoning districts.

The Working Group has heard from community members who would benefit from a wider variety in our housing stock. They included: seniors having trouble finding appropriate housing to downsize into; municipal workers who want to live in the community they serve; young families just starting out; people who need housing with accessibility features; and young adults who grew up in Arlington but can’t afford to return. Encouraging more housing in a variety of sizes and price points gives more options to these groups who are so vital to the fabric of our community.

While the Town of Arlington, an “adjacent” community, is not compelled to comply with MBTA Communities Zoning until the end of 2024, Town Meeting has indicated its eagerness to participate in another state-supported program, the Fossil Fuel Free Demonstration Project. MBTA Communities zoning must be adopted, and the proposed district determined to be “compliant” per the terms of EOHLC by the end of 2023 for the Town to participate in the Fossil Fuel Demonstration Program.

In November 2022, the Arlington Redevelopment Board (ARB) voted to establish a working group to determine the location of Arlington’s MBTA Communities zoning district via rigorous community outreach, stakeholder engagement, and iterative mapping. While the Town is compelled to comply with the state law, or risk running afoul of Federal Fair Housing and Massachusetts anti-discrimination laws, establishment of new housing districts and development of new housing is supported in several of Arlington’s planning documents including: the Master Plan (2015), the Fair Housing Plan (2021), the Net Zero Action Plan (2021), the Community Equity Audit (2023), and the Housing Production Plan (2022). Since last January, the Working Group has met regularly to strategize outreach to community members and develop Arlington’s MBTA Communities district iteratively and in response to public comments collected via survey, in

#### *Adopting an MBTA Communities Overlay allows Arlington to:*

- make progress implementing Arlington’s Community Equity Audit, Master Plan, Fair Housing Action Plan, Housing Production Plan, Sustainable Transportation Plan, and Net Zero Action Plan,
- remain eligible for millions of dollars in MassWorks infrastructure funding,
- participate in the state’s Fossil Fuel Free Demonstration Program,
- remain eligible for a number of other State grant programs

stakeholder meetings, at community wide public meetings, and via engagement opportunities such as at the Arlington Farmer's Market, Arlington EATS and the Senior Center.

Using public comments, stakeholder outreach, and in consultation with Utile, an urban design firm, the Working Group developed our proposal and recommendations based on the following principles:

### ***Guiding Principles***

- Encourage more housing in a variety of sizes and price points,
- Encourage housing located near public transit,
- Encourage housing to provide a customer base in support of local businesses,
- Encourage multi-family housing spread across Arlington, and
- Ensure compliance with MGL c. 40A § 3A (The MBTA Communities Act)

The proposal follows our highest frequency bus lines from Arlington Heights to East Arlington, allowing by-right construction up to four stories along the Massachusetts Avenue and Broadway corridors. The proposal avoids our flood plains and historic districts. And the proposal is in proximity to, but not in, our existing commercial areas. This provides customers in proximity to our business districts, but leaves rezoning of these areas to separate study in the future.

The properties included in the proposed map can be described in three subdistricts:

1. Mass Ave: properties with frontage on Mass Ave
2. Broadway: properties with frontage on Broadway
3. Neighborhood: properties without frontage on Mass Ave or Broadway

Each of these subdistricts has distinct setback requirements and height limits. In the neighborhood subdistrict, the side setbacks are larger, and the height limit is lower. The Working Group choosing to allow by-right residential to be 4 stories tall in all subdistricts because the Building Code requires that buildings that are 4 stories or taller have an elevator and meet other accessibility requirements. We have heard from many community members that a lack of housing with elevators and other accessibility features is a barrier to residents with different abilities finding housing, and a barrier for seniors looking to downsize and stay in Arlington. The full details of these dimensional controls can be found in the "MBTA Communities Proposal" section of this report.

The stated purpose of Section 3A is to encourage the production of multi-family housing; the law limits the ability of communities to impose other restrictions that might (intentionally or not) defeat the primary purpose of the law. However, the Working Group also heard strongly from the community that the plan needed to do more to respond to Arlington's needs and values that we address with incentive programs.

### ***Incentive Programs***

The proposal includes incentive programs that:

- Preserve commercial uses and encourage new mixed-use buildings
- Respond to the need for affordable housing
- Encourage high-quality open space

In response to these needs and values, the Working Group and the Department of Planning and Community Development have developed a set of incentives. These allow for additional stories (one on Broadway, up to two on Mass. Ave) or reduced setbacks for buildings that meet certain criteria. These incentives do not apply to the Neighborhood Multi-Family District.

For parcels directly abutting Mass. Ave and Broadway, the proposal includes a height and setback bonus for providing commercial space on the ground floor. Buildings that meet this requirement may do one or both of the following:

1. Come up to the front lot line. This is in keeping with the current zoning requirements for commercial and mixed-use buildings in Business Zones (except B1). Moreover, it is simply good urban design: shops and restaurants that come up to the sidewalk provide an interesting pedestrian experience and discourage parking in the front yard.
2. Add additional stories: one on Broadway, up to two on Mass. Ave., to encourage the creation of new commercial spaces that would not otherwise be financially feasible.

The proposal includes a height bonus for providing additional affordable units, up to one story along Broadway and 2 stories along Mass. Ave. One additional story raises the affordable housing requirement by 7.5%, to 22.5% of units. A second additional story (on Mass. Ave. only) raises the affordable housing requirement by another 2.5% to 25%.

The Department of Planning and Community Development explored various options to incentivize enhanced open spaces and found the SITES rating system by the Sustainable SITES Initiative to be the best framework to apply in the context of an MBTA Communities. The proposed bonus is of one additional floor for a Gold-level certifiable development on the SITES scale.

More detail and discussion of each of these programs can be found in the “Incentive Programs” section of this report.

Over the next fifty years the proposal by the Working Group to the ARB will result in new multifamily housing that is available, achievable, and affordable and progresses goals shared by the community: to be welcoming and inclusive, to be climate leaders, to give access to Arlington’s open spaces, and to support vibrant businesses.

# What is Section 3A (MBTA Communities Legislation)

The multi-family housing requirements for MBTA Communities come from Massachusetts General Law Chapter 40A Section 3A ("Section 3A"), which was enacted in 2021. The law requires each of the 177 MBTA Communities (as defined in General Law 161A, Section 1) to provide at least one zoning district where multi-family housing (three or more dwellings) is allowed by right. The zoning must allow at least 15 dwelling units per gross acre, not be age restricted, and allow housing that is suitable for families with children.

The law was created because the greater Boston region, for some time now, has been in a housing cost spiral, brought on by a lack of housing production that does not meet the growth in jobs and population. The State's Future of Work study estimated a shortage of up to 200,000 housing units. Municipalities play a key role through zoning and permitting in determining whether housing is built. To begin addressing the housing crisis, the law requires communities to amend their zoning and permitting process to encourage greater housing production. Additionally, the State notes that:

- Before COVID-19, Massachusetts faced a core challenge in creating enough housing to support young families, workers, and an aging population. The pandemic has further highlighted these needs.
- Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.
- Rising costs have dramatically increased financial pressures on low- and middle-income families, forcing them to sacrifice other priorities to pay housing costs. High housing costs are a primary driver of homelessness.
- The lack of housing production is an impediment to community development.
- These high costs are a disadvantage as we compete economically against peer states. The risk of future job growth moving outside Massachusetts is rising due to the high costs of living.<sup>2</sup>

Every community in Massachusetts is responsible for addressing this problem. The law ensures that we, along with 176 other communities, are working to address it together.

## ***Key Requirements:***

All 177 MBTA Communities must provide at least one zoning district where:

- multi-family housing (three or more dwellings) is allowed by right,
- housing is permitted with at least 15 dwelling units per gross acre,
- housing cannot be age restricted, and
- the district allows housing that's suitable for families with children.

<sup>2</sup> <https://www.mass.gov/doc/mbta-communities-summary-deck-feb-2022/download>

In August 2022 the Massachusetts Department of Housing and Community Development (now known as the Executive Office of Housing and Livable Communities, or EOHL) released their final guidance governing Section 3A, which contained specific requirements for each of the 177 MBTA Communities in Massachusetts, including Arlington.<sup>3</sup> The Arlington-specific minimum requirements are:

- a minimum district capacity of 2,046 dwelling units (see "Key Concepts" to learn more),
- a minimum district size of 32 acres, and
- no constraints that the district (or districts) be located a certain distance from transit stations.

The guidelines are based on *capacity, not housing to be created in addition to what currently exists*. The minimum capacity of 2,046 units is measured as if there were nothing currently on the land within the zoning district. While the intent of the law was to have districts located near transit, Arlington has little developable land in the vicinity of the Alewife T station, and the governing regulations take this fact into consideration.

In August 2023, EOHL released additional revisions to their guidance to allow a mixed-use district to count for a portion of compliance with Section 3A. The Working Group reviewed these updated guidelines and concluded that it did not make sense in the areas that were chosen for the proposed multi-family districts. The Working Group felt that its incentive-based approach – whose 60% requirement for ground-floor commercial floor area is double the threshold allowed by the State guidelines – would lead to more and higher-quality commercial spaces.

#### ***Compliance Ensures:***

- progress implementing Arlington's DEI Audit, Master Plan, Fair Housing Action Plan, Housing Production Plan, Sustainable Transportation Plan, and Net Zero Action Plan,
- eligibility for millions of dollars in MassWorks infrastructure funding,
- participation in the state's Fossil Fuel Free Demonstration Program,
- eligibility for a number of other State grant programs

#### **What does this mean for Arlington?**

Implementing a meaningful MBTA Communities zoning district will allow Arlington to make progress on recommendations in our recent Community Equity Audit, as well as the **Master Plan, Fair Housing Action Plan, Housing Production Plan, Sustainable Transportation Plan, and Net Zero Action Plan**. Compliance ensures Arlington's eligibility for millions of dollars in infrastructure funding from the State's MassWorks program.

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<sup>3</sup> <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

The Attorney General issued an advisory concerning enforcement of the law in March 2023; “opting out” is not an option.<sup>4</sup> Both the Select Board and the Arlington Redevelopment Board (ARB) have indicated that the Town should work to achieve compliance with the law.

In August 2023, EOHLCLC listed an additional thirteen grant programs that will take compliance with MBTA Communities into consideration. These include the Executive Office of Energy & Environmental Affairs (EOEEA) Municipal Vulnerability Preparedness (MVP) Planning and Project Grants and the EOHLCLC Community Planning Grant, through which the Town has secured and hopes to continue securing tens of thousands of dollars for climate resilience, housing, and economic development initiatives. Having a compliant MBTA Communities district is also a requirement for participation in the state’s Fossil Fuel Free Demonstration Program. In 2020 92% of Town Meeting voted to approve a fossil-fuel free, or “clean heat,” bylaw and Home Rule Petition requesting local authority to prevent the installation of fossil fuel infrastructure in new construction and major renovations. In 2021, Arlington became the first community in the state to file a Home Rule Petition for this purpose. That Home Rule Petition was not approved. Instead, the State Legislature authorized the creation of a Fossil Fuel Free Demonstration Program. Arlington is first on the list of ten communities prioritized for participation in the pilot. If we do not have an approved MBTA Communities District by early 2024, Arlington will forfeit its place in the Program to another community; there is currently not opportunity to enter this program later. Arlington is a leader on climate action and would be an ideal pilot community to develop and scale this program. Furthermore, participating ensures that the Town carries out the will of Town Meeting and stays on track to meet its goals of achieving net zero greenhouse gas emissions by 2050.

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<sup>4</sup>Andrea Joy Campbell, Massachusetts Attorney General; Advisory Concerning Enforcement of the MBTA Communities Zoning Act:

<https://www.arlingtonma.gov/home/showpublisheddocument/64380/638144981082117352>

# The MBTA Communities Working Group

The Arlington Redevelopment Board (ARB) voted to create an MBTA Communities Working Group on November 7, 2022. The Working Group was created to work with the Department of Planning and Community Development to understand town priorities for implementing the law and to develop a proposal for a Town Meeting in Fall of 2023.

Arlington's Department of Planning and Community Development held an initial public forum in November 2022, and solicited interest in the Working Group following that initial forum. Seven community members, plus two members of the ARB, began meeting as the MBTA Communities Working Group on February 2<sup>nd</sup>, 2023. The charge of the Working Group was to craft a proposal for by-right multi-family housing in Arlington to be considered by the ARB and Town Meeting, using the community's expressed values and goals.

The members of the Working Group are:

- Kin Lau, ARB Representative
- Stephen Revilak, ARB Representative
- Ramie Schneider, Resident
- Mette Aamodt, Resident
- Shaina Korman-Houston, Resident
- Sanjay Newton, Resident
- Laura Wiener, Resident
- Vincent Baudoin, Resident
- Rebecca Gruber, Resident

The Working Group worked in conjunction with staff from the Department of Planning and Community Development and the Diversity, Equity, and Inclusion Division.

The size of the undertaking, and the schedule to do so, were formidable. The Working Group met four times in February and March and 15 times – nearly every week – from the first week of May through the first week of September. All the Working Group's meetings were open to the public and attracted a number of attendees from the community.

The Working Group also held three larger public forums designed to solicit public input. The first, in March, was held on Zoom and was an introduction to our Community Visioning Survey. The second, on June 8<sup>th</sup>, was held in person at the Community Center, where participants held table discussions about an early concept map. The third, in July, featured a panel who answered questions from the public. The Working Group also conducted a thorough outreach plan to both educate and listen to the community in a number of ways. This work is outlined in the next section of the report.

## Outreach and Public Engagement

From the very beginning of Arlington's response to the MBTA Communities Act, outreach has been a primary and essential component of the Town's effort. Starting with the first Town-wide meeting on November 17, 2022, and the call for community members to volunteer to serve on the MBTA Communities Working Group and continuing through the delivery of the Working Group's final report to the Redevelopment Board and the on-going delivery of education and information sharing to the community and Town Meeting Members in advance of the Special Town Meeting opening on October 17, 2023.

There is a wide and growing body of research showing that not all voices in a community are equally likely to be represented at a traditional public meeting. Hearing from, and speaking to, the community requires multiple forms of engagement, because different community members can be found in different places and prefer to engage in different ways. The Working Group has taken this knowledge seriously, and was fortunate to partner with Teresa Marzilli, the Town's Community Outreach and Engagement Coordinator, who works in the Diversity, Equity & Inclusion Division. Mx. Marzilli's expertise helped the Working Group craft and execute an extensive outreach plan.

Here is a list of some of the highlights of the outreach efforts (video recording of events and supporting slide decks as well as comprehensive survey reports can be found on the MBTA Communities page of the Town's website):

- Arlington and MBTA Communities Zoning Virtual Public Meeting (November 17, 2022)
- Multi-family Housing in Arlington: A Community Visioning Session regarding MBTA Communities Virtual Public Meeting (March 9, 2023)
- Community Survey, over 1,000 responses received. (March - April 2023)

The survey listed thirteen general strategies, and residents were asked whether they felt each strategy was important to include, important but secondary to other options, whether they felt neutral, or whether they opposed. Along with these rating questions, respondents were given the opportunity to provide detailed comments and feedback. This public feedback helped shape the first iteration of district maps, along with noting topics for further consideration.

- MBTA Communities Public Meeting and Presentation of Draft Map (June 8, 2023)

The meeting was attended by more than 125 residents in-person. It was also live streamed by ACMi. Participants worked in small groups and provided valuable additional input in the iteration of the draft map as well as guidance for the overlay zone's dimensional requirements and priorities for bonus incentives.

- Community Survey and Meeting in a Box sessions (June – July 2023)

Asking the same questions as the June 8th public meeting, a survey and a meeting in a box were made available to the community to broaden the diversity of voices heard.

- MBTA Communities Working Group Public Meeting (July 25, 2023)

After presenting the latest version of the draft overlay district map and proposed dimensional requirements, the Working Group heard comments from over sixty community members, who provided feedback and input for the creation of the Working Group's final recommendations to the Arlington Redevelopment Board. The event was also live streamed by ACMi.

- “Office Hours” at Robbins Library (July – August 2023)
- Information table in the foyer of Robbins Library (July 2023)
- “Pop-Ups” at The Arlington Farmers Market, Arlington Eats, and the Senior Center (July – August 2023)
- Town-wide mailing to all Arlington residents to raise awareness about the Town’s response to the requirements of the MBTA Communities Act and to encourage community members to join the conversation (August 2023).
- Presentations and conversations with many community groups, Town departments, and Town boards and committees, including the Chamber of Commerce, the Housing Corporation of Arlington, the Historic Districts Commission, the Affordable Housing Trust Board, the Open Space Committee, the School Department, and the Town’s DEI commissions. (July 2023 - Present)
- The Working Group will continue to make members available to speak and answer questions at upcoming Precinct Meetings and other events in the lead up to Town Meeting. (Present through Town Meeting)

# Community Visioning Survey

The MBTA Communities Working Group and the Department of Planning and Community Development created a survey to gather public input on how Arlington should go about meeting the requirements of the new law. The survey listed thirteen general strategies. Residents were asked whether they felt each strategy was important to include, important but secondary to other options, whether they felt neutral, or whether they opposed. Residents were not asked to prioritize among the strategies. Along with these rating questions, respondents were given the opportunity to provide detailed comments and feedback. The survey was the subject of a well-attended public meeting, publicized on the Town website, in Town email notices, and on the Town's social media. During the months of March and April 2023, 1,033 people responded to the survey, including 2,325 comments from 506 distinct respondents. This public feedback<sup>5</sup> helped shape the first iteration of district maps, along with noting topics for consideration as we moved through the process.

## *Community Visioning Survey*

Residents were asked whether they felt each of 13 general strategies was important to include, important but secondary to other options, whether they felt neutral, or whether they opposed. Residents were not asked to prioritize among the strategies.

Along with these rating questions, respondents were given the opportunity to provide detailed comments and feedback.

There are several ways to look at the results of the survey's multi-choice questions, and this section will provide three. The first is to look at the strategies that respondents felt were *important* to include. These are:

<i>% Important</i>	<i>Strategy</i>
64.74%	Integrating sustainable principles
62.29%	Encouraging multi-family housing that includes affordable units
59.88%	Encouraging multi-family housing near public transit
59.24%	Promoting development and vitality of commercial centers
56.91%	Providing access to shared community spaces
52.45%	Avoiding flood-prone areas
50.84%	Encouraging multi-family housing in walkable and bikeable locations
45.45%	Encouraging multi-family housing that includes mixed uses
39.48%	Encouraging multi-family housing near commercial corridors
37.45%	Encouraging multi-family housing in all neighborhoods
36.46%	Encouraging multi-family housing along commercial corridors
35.12%	Encouraging multi-family housing in commercial centers
24.13%	Encouraging multi-family housing on existing large parcels

<sup>5</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/65987/638236619962500000>

A second way is to view the strategies with *support* (i.e., where the respondent answered "important", or "important but secondary to other goals"). These are:

<i>% Support</i>	<i>Strategy</i>
87.11%	Integrating sustainable principles
82.23%	Promoting development and vitality of commercial centers
79.79%	Providing access to shared community spaces
76.85%	Encouraging multi-family housing that includes affordable units
76.44%	Encouraging multi-family housing near public transit
72.95%	Encouraging multi-family housing in walkable and bikeable locations
71.34%	Encouraging multi-family housing that includes mixed uses
67.67%	Avoiding flood-prone areas
62.51%	Encouraging multi-family housing near commercial corridors
60.27%	Encouraging multi-family housing in commercial centers
59.85%	Encouraging multi-family housing along commercial corridors
55.17%	Encouraging multi-family housing in all neighborhoods
46.47%	Encouraging multi-family housing on existing large parcels

A third way is to view the strategies according to what was *acceptable* (i.e, where the respondent answered "important", "important, but secondary to other goals", or "neutral"). These are:

<i>% Acceptable</i>	<i>Strategy</i>
94.43%	Integrating sustainable principles
92.40%	Promoting development and vitality of commercial centers
90.10%	Providing access to shared community spaces
89.25%	Encouraging multi-family housing that includes mixed uses
85.34%	Encouraging multi-family housing that includes affordable units
84.62%	Encouraging multi-family housing near public transit
84.62%	Encouraging multi-family housing along commercial corridors
84.36%	Avoiding flood-prone areas
84.11%	Encouraging multi-family housing in walkable and bikeable locations
82.72%	Encouraging multi-family housing near commercial corridors
82.60%	Encouraging multi-family housing in commercial centers
75.24%	Encouraging multi-family housing on existing large parcels
69.41%	Encouraging multi-family housing in all neighborhoods

## Sustainability

No matter which lens one uses to view the results, there is a clear preference for integrating sustainable principles in planning for new multi-family housing. Sustainable principles can be applied at all scales of planning and development. Sustainable development meets our current

needs while protecting our planet for future generations by balancing economic development, social equity and environmental protection. Many of the questions in the survey addressed sustainable development more specifically, like housing near public transit, walkable and bikeable locations and avoiding flood-prone areas. The survey results show that all of these are widely supported in Arlington. Related to sustainable development is the concept of “Smart Growth” that encourages compact, transit-oriented, walkable and bikeable communities including neighborhood schools, complete streets, and mixed-use development with a range of housing types. Smart Growth embodies Arlington’s goals and values and is a framework that can be used to plan future development. The Town’s Net Zero Action Plan,<sup>6</sup> adopted in 2021, directly connects sustainability and MBTA Communities by explicitly prioritizing higher density, transit oriented housing. Finally, the responses support the idea that participation in the state’s Fossil Fuel Free Demonstration Program is a community priority.

### **Commercial Vitality**

The general goal of promoting the development and vitality of Arlington's commercial centers gathered high support. There are a number of ways this can be done particularly with a “Smart Growth” mindset. A subset of questions like (a) encouraging multi-family housing in commercial centers, (b) encouraging multi-family housing along commercial corridors, (c) encouraging multi-family housing near commercial corridors, and (d) encouraging multi-family housing that includes mixed-use drew the support of approximately 60% or more of respondents. The rationale of these strategies is to locate multi-family housing where it can provide more customers, foot traffic, and patronage to Arlington's restaurants, shops, and services. Our consultants from Utile provided the following as a rough guideline: it generally takes one household to support 30 square feet of retail space. This equates to needing 100 households to support a 3000 square foot store. Allowing more residents to live within walking distance of our businesses creates the potential for more commercial vitality.

### **Affordable Housing**

A number of survey respondents expressed a desire to see multi-family housing with a larger percentage of affordable (i.e., subsidized) dwellings, or affordable dwellings priced for lower income households. However, Section 3A's multi-family requirements only provides a limited opportunity to do so. Any community that wishes to implement more than a 10% affordability requirement must provide an economic feasibility analysis showing that a variety of multi-family housing types can be feasibly developed under the requirements it proposes. Arlington currently requires 15% (one in six) affordable units in developments of six dwelling units or more, priced for 60% of the area median income. The Department of Planning and Community Development has contracted for the necessary feasibility analysis showing that our current 15% rate is economically viable, and we expect that our 15% inclusionary zone will be acceptable to the State.

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<sup>6</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/55139/637885684739670000>

## Multi-family Zoning in Arlington Today

Today in Arlington, multi-family housing (3+ homes) requires a Special Permit. The districts that allow multi-family housing are located in pockets, mostly in the places where multi-family housing existed in 1975. Much of our current zoning dates to a major rewrite of our master plan, zoning map and zoning bylaw completed in 1975. The changes to the bylaw made in 1975 required a Special Permit for all multi-family housing and generally increased minimum lot sizes, reduced maximum heights, and increased parking requirements for multi-family housing. These changes to Arlington's zoning followed a moratorium on the construction of apartment buildings and were designed to limit multi-family housing development in Arlington. Other cities and towns around Boston enacted similar restrictions during this period. With the notable exception of allowing mixed-use in the B1-B5 districts in 2016, the 1975 limits and requirements placed on the creation of multi-family housing in Arlington remain largely in place today.

### *Arlington's Fair Housing Action Plan, adopted in 2021:*

"As segregation in greater Boston was challenged and integration became a real prospect across the region, Arlington's attitude toward development shifted. **Concerted opposition to development projects began in the 1960s and became more organized in the early 1970s.** Activists used both explicit and coded anti-integration language to rally opposition to **apartment development** and the related effort to downzone portions of the Town. In 1975, following a one-year moratorium on multi-family construction, Town Meeting adopted a new, more complex Zoning Bylaw that created multiple new permitting processes for most forms of development and "downzoned" most of the town through restrictions on density, height, lot size, and parking. **The ability to develop any type of residential use except higher-cost, single-family housing was severely curtailed.** In 1991, Town Meeting adopted an amendment creating the RO district, which extended this logic to require even larger lots of new single-family homes in some parts of town.

# Guiding Principles

The Working Group has created a proposed overlay zoning district that allows by-right multi-family zoning. The proposal also includes incentive programs to encourage builders to include ground floor commercial, additional affordable housing, or upgraded outdoor spaces along the main corridors. The proposal is guided by the principles identified through community and stakeholder input, existing planning documents and the intent of the law:

- Encourage more housing in a variety of sizes and price points,
- Encourage housing located near public transit,
- Encourage housing to provide a customer base in support of local businesses,
- Encourage multi-family housing spread across Arlington, and
- Ensure compliance with MGL c. 40A § 3A (The MBTA Communities Act)

## Encourage more housing in a variety of sizes and price points

Arlington and the greater Boston region need more housing in a variety of sizes and at a variety of price points. Our region is experiencing a well-documented housing crisis because we have not built enough new homes to keep up with economic and population growth in recent decades. Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation, and Arlington is part of this trend. The State's Future of Work study estimated a shortage of up to 200,000 homes.

Arlington's Fair Housing Action Plan<sup>7</sup>, adopted in July 2021, notes that our current zoning bylaw is "in many areas, more restrictive than Arlington's historic development patterns" and the action plan includes recommendations to "allow three-family, townhouse, and multi-family housing options by right in districts nominally meant for them" and to "amend restrictive dimensional and parking requirements for multi-family uses that make development infeasible in districts where those uses are appropriate."

### *More housing in a variety of sizes benefits:*

- seniors having trouble finding appropriate housing to downsize into
- municipal workers who want to live in the community they serve
- young adults who grew up in Arlington but can't afford to return
- young families just starting out, and
- people who need housing with accessibility features

The 2022 Town of Arlington Equity Audit included 12 recommendations, one of which was related to zoning. It recommends that Arlington "address restrictive policies for residential zoning districts in order to allow for desegregation." The equity audit specifies three strategies for doing so: removing the requirement for a special permit to develop multi-family housing;

<sup>7</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/57214/637620332766000000>

allowing the development of multi-family housing in the R0 and R1 zones; and allowing for an inclusionary zoning bonus in high-density residential zoning districts.

The Working Group has heard from community members who would benefit from a wider variety in our housing stock. Including seniors having trouble finding appropriate housing to downsize into; municipal workers who want to live in the community they serve; young families just starting out; people who need housing with accessibility features; and young adults who grew up in Arlington but can't afford to return. Encouraging more housing in a variety of sizes and price points gives more options to these groups who are so vital to the fabric of our community.

The Working Group also heard from some community members who have encouraged us to create a plan with the explicit goal of bare minimum compliance, suggesting that more multi-family housing would not benefit our community. Many of these bare minimum plans would zone no additional housing, and some would even zone for less housing than currently exists.

The Working Group has chosen to create a proposal that over time will result in new multi-family housing and helps us make progress on the goals we share as a community: to be welcoming and inclusive, to be climate leaders, to give access to our open spaces, and to support vibrant businesses. In contrast, a proposal designed to do the bare minimum will not encourage much, if any, new housing. It might allow us to meet the letter of the law, but it will not help us make progress on the goals that we share as a community.

### **Encourage housing located near public transit**

Under Section 3A guidelines, Arlington has the flexibility to locate our districts anywhere in town. However, locating housing near transportation is an explicit goal of the legislation and existing Town plans. This strategy was also highly valued by participants in our April survey. Arlington residents drive fewer miles per day than many other residents of the Commonwealth<sup>8</sup>. Locating housing near transit offers additional climate benefits by making it more convenient for residents to

#### ***More housing over time***

The Working Group has chosen to create a proposal that over time will result in new multi-family housing and helps us make progress on the goals we share as a community: to be welcoming and inclusive, to be climate leaders, to give access to our open spaces, and to support vibrant businesses.

#### ***Encourage housing located near public transit***

Arlington residents drive fewer miles per day than many other residents of the Commonwealth. Locating housing near transit offers additional climate benefits by making it more convenient for residents to access their daily needs without using a car, further reducing our dependence on single occupancy vehicles.

<sup>8</sup> <https://geodot-homepage-massdot.hub.arcgis.com/pages/massvehiclecensus>

access their daily needs without using a car, further reducing our dependence on single occupancy vehicles.

The Town's Net Zero Action Plan<sup>9</sup> and the Connect Arlington Sustainable Transportation Plan<sup>10</sup>, both adopted in 2021, include recommendations to "continue to encourage and incentivize mixed-use, higher density development near transit and jobs" because "people who live or work in or adjacent to mixed-use environments, and especially those served by transit, often drive less because it is more convenient to walk or bike to eat, shop, or hop on a public transit option." The Sustainable Transportation Plan also recommends reduced parking minimums and consideration of parking maximums.

Arlington has access to transit through the Red Line at Alewife and via our bus lines, especially the 77. The Working Group received suggestions and considered locations near almost all transit routes including Park Ave, Pleasant St, Summer St, Mystic Street, along the Route 2 Access Rd, along the Minuteman Bikeway, and near Alewife. Ultimately the Working Group decided to focus on Mass Ave and Broadway because of a desire to avoid areas within the floodplain, to spread the district to more parts of town, and to locate housing near our existing commercial areas. The Working Group shares the community's concerns about the current state of the MBTA, but is also encouraged that the 77 is proposed to be part of the "High Frequency Network" as the MBTA works to hire more drivers and implement their bus network redesign.

#### ***Recommended in the Net Zero Action Plan***

The Town's Net Zero Action Plan and the Connect Arlington Sustainable Transportation Plan include recommendations to "continue to encourage and incentivize mixed-use, higher density development near transit and jobs" because "people who live or work in or adjacent to mixed-use environments, and especially those served by transit, often drive less because it is more convenient to walk or bike to eat, shop, or hop on a public transit option."

#### **Encourage housing to provide a customer base in support of local businesses**

The general goal of promoting the development and vitality of Arlington's commercial centers gathered high support in our April survey. There are a number of ways this can be done particularly with a "smart growth" mindset. The rationale of this strategy is to locate multi-family housing where it can provide more customers, foot traffic and patronage to Arlington's restaurants, shops, and services. Our consultants from Utile provided the following as a

#### ***Support local businesses***

Allowing more residents to live within walking distance of our businesses creates the potential for more commercial vitality by providing more customers, foot traffic, and patronage to Arlington's restaurants, shops, and services.

<sup>9</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/55139/637885684739670000>

<sup>10</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/56982/637641174457130000>

rough rule of thumb: it generally takes one household to support 30 square feet of retail space. This equates to needing 100 households to support a 3000 square foot store.

Allowing more residents to live within walking distance of our businesses creates the potential for more commercial vitality. The Working Group received clear guidance from the ARB to avoid existing industrial and commercially zoned properties as part of our proposal, and we have done so, focusing our proposal on the areas in proximity to, but not in, our major commercial centers of Capitol Square, Arlington Center, and Arlington Heights.

### **Encourage multi-family housing spread across Arlington**

Under the Section 3A guidelines, Arlington has the flexibility to locate our districts anywhere in town. In fact, the Working Group received suggestions and considered locations in almost all areas of town including Park Ave, Pleasant St, Summer St, Mystic Street, along the Route 2 Access Rd, along the Minuteman Bikeway, and near Alewife. The Working Group heard from both community members and the school department that it was important not to cluster a district in the catchment area for a small number of elementary schools. The proposal from the Working Group is spread across all the current catchment areas for the elementary schools and gives the school department flexibility to continue to use buffer zones to manage any future changes in enrollment.

### **Ensure compliance with MGL c. 40A § 3A (The MBTA Communities Act)**

The proposal was developed with the support of the professional staff in the Department of Planning and Community Development and our consultant Utile. The proposed map and zoning language have been submitted to the Executive Office of Housing and Livable Communities (EOHLC) for pre-adoption review, which we expect to have back before Town Meeting discusses the proposal.

The guidelines from the Executive Office of Housing and Livable Communities (EOHLC) are extensive<sup>11</sup> and were revised by the state on August 17<sup>th</sup>, 2023, as the Working Group was finalizing the proposal. After reviewing the updated guidelines<sup>12</sup>, the Working Group believed the new provisions allowing some limited options to require ground floor commercial did not offer an improvement over the current strategies of incentivizing ground-floor commercial and placing the multi-family district outside of areas currently zoned for commercial use.

#### *Pre-adoption review*

The proposed map and zoning language have been submitted to the state for pre-adoption review, which we expect to have back before Town Meeting discusses the proposal.

<sup>11</sup> <https://www.mass.gov/info-details/section-3a-guidelines>

<sup>12</sup> <https://www.mass.gov/info-details/summary-of-081723-revisions-to-section-3a-guidelines>

# MBTA Communities Proposal

As the Working Group was developing the proposal, we considered many locations across Arlington. As you look at the final proposed map, you can see how the guiding principles have shaped the locations that we've chosen. The proposal follows our highest frequency bus lines from Arlington Heights to East Arlington. The proposal avoids our flood plains and historic districts. The proposal is in proximity to, but not in, our existing commercial areas.

The proposed district covers 110 of Arlington's 3,517 acres. In the proposed district there are approximately 2,100 homes existing today. The state's compliance model, which calculates how many homes could exist in the proposed district if somehow every existing home were removed, and if every lot was built to the absolute maximum, and if it was built with no parking, and if every unit was a 1,000 square foot apartment, calculates a 'capacity' of 7,268 units. Please note that capacity is meant to measure 'reasonable size' and not as a calculation of likely future development.

The Working Group has created a proposal that over time will result in new multi-family housing and helps us make progress on the goals we share as a community: to be welcoming and inclusive, to be climate leaders, to give access to our open spaces, and to support vibrant businesses.

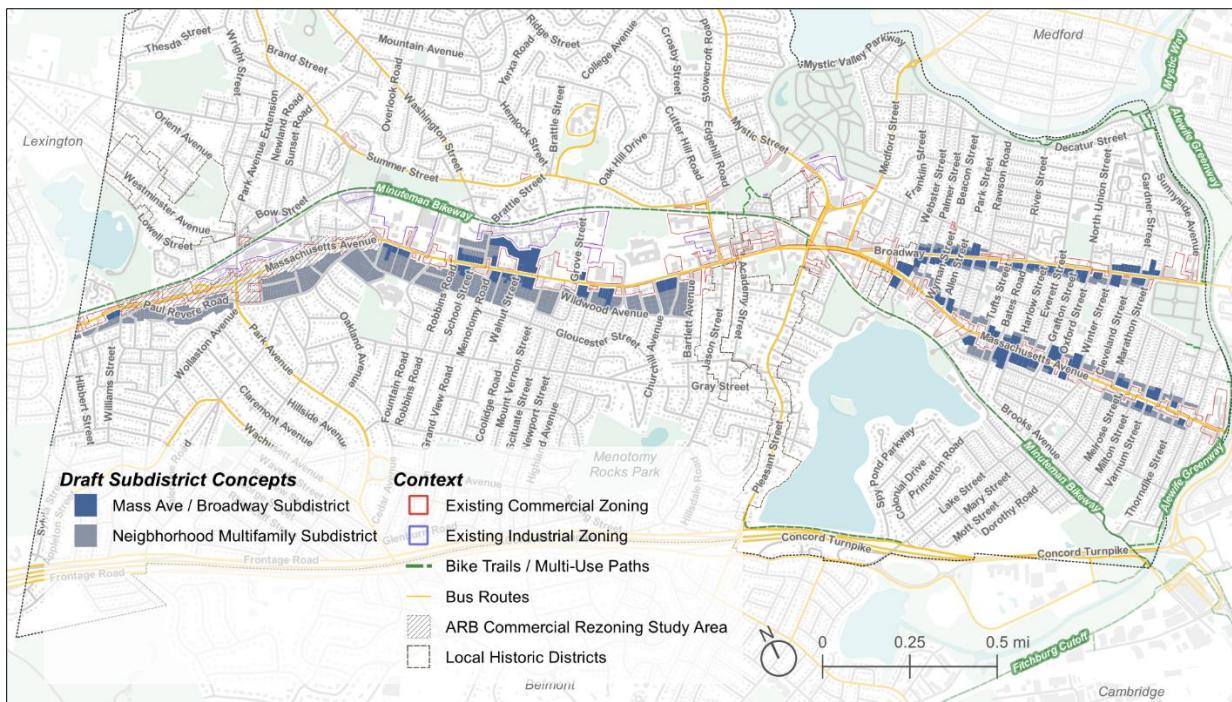
## Subdistricts

The properties included in the proposed map can be described in three subdistricts:

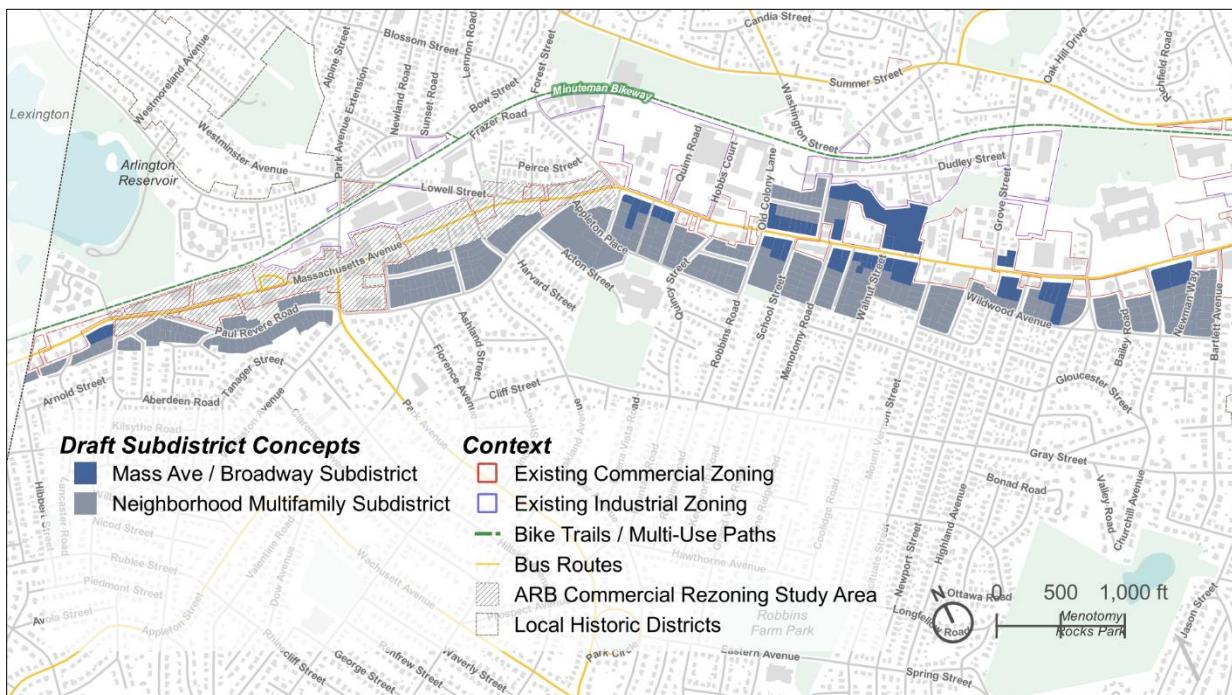
1. Mass Ave: properties with frontage on Mass Ave (shown in blue)
2. Broadway: properties with frontage on Broadway (shown in blue)
3. Neighborhood: properties without frontage on Mass Ave or Broadway (shown in gray)

Each of these subdistricts has distinct setback requirements and height limits. In the neighborhood subdistrict, the side setbacks are larger, and the height limit is lower. The incentive programs for ground floor commercial, increased affordability and better open space usage also apply differently between the districts. The commercial bonus is decreased on Broadway compared with Mass Ave and there are no incentive programs in the neighborhood subdistrict. Following the maps there is a summary table of the various dimensional controls and bonus programs.

## Proposed Overlay Map



### Full View of Arlington (above)



### Detail View of Arlington Heights (above)



Detail View of East Arlington (above)

Full Size Map: <https://www.arlingtonma.gov/home/showpublisheddocument/66583>

### Dimensional Regulations

The following table shows the required setbacks and height limits for by-right residential development in each subdistrict:

Dimensional Regulations	Minimum Setback (in feet)			Maximum Height	
	Front	Side	Rear	Stories	Feet
Mass Ave (in blue)	15	5	20	4	52
Broadway (in blue)	15	5	20	4	52
Neighborhood (in gray)	15	10	20	4	46

The Building Code requires that buildings that are 4 stories or taller have an elevator and meet other accessibility requirements. This was a major driver behind the Working Group choosing to allow by-right residential to be 4 stories tall in all subdistricts. We have heard from many community members that a lack of housing with elevators and other accessibility features is a barrier to residents with different abilities finding housing, and a barrier for seniors looking to downsize and stay in Arlington.

## Parking

The proposal includes a parking maximum of 1 space per unit, with no minimum parking requirement. The parking recommendations in the proposal align directly with strategies from Arlington's Net Zero Action Plan and the Connect Arlington Sustainable Transportation Plan.

Strategy F.1.2.2 from the Connect Arlington Sustainable Transportation Plan<sup>13</sup>, adopted in 2021, notes "parking maximums typically work best in mixed-use areas proximate to essential goods and services—such as grocery stores—and frequent transit service or alternative transportation options. In Arlington, this would include all of Mass Ave and Broadway."

### *Connect Arlington Sustainable Transportation Plan*

"Parking maximums typically work best in mixed-use areas proximate to essential goods and services—such as grocery stores—and frequent transit service or alternative transportation options. In Arlington, this would include all of Mass Ave and Broadway."

The Perfect Fit Parking Study<sup>14</sup> from the Metropolitan Area Planning Council gathered data about actual parking usage at multi-family buildings. Their data show peak parking demand below 1 space per unit across all of the Arlington properties surveyed.

The Arlington Net Zero Action Plan lists "successful adoption of reduced parking requirements" as the measure of success for Priority Action ZEM 6.<sup>15</sup>

Land required for parking drives up the price of housing, contributes to heat islands, and encourages the use of automobiles. By capping the amount of parking and allowing the future possibility of little or no parking we reduce housing costs, encourage more sustainable transportation, and reduce heat island effects.

<sup>13</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/56982/637641174457130000>

<sup>14</sup> <https://perfectfitparking.mapc.org/>

<sup>15</sup> <https://www.arlingtonma.gov/home/showpublisheddocument?id=55139>

# Incentive Programs

The stated purpose of Section 3A is to encourage the production of multi-family housing; the law limits the ability of communities to impose other restrictions that might (intentionally or not) defeat the primary purpose of the law. The proposed multi-family zoning regulations meet this goal by allowing for by-right construction up to 4 stories along the Mass. Ave and Broadway corridors. However, the Working Group also heard strongly from the community that the plan needed to do more to respond to Arlington's needs and values, in three areas in particular:

1. Preserve commercial uses and encourage new mixed-use buildings
2. Respond to the need for affordable housing
3. Encourage high-quality open space

In response to these needs and values, the Working Group and the Department of Planning and Community Development have developed a set of incentives. These allow for additional stories (one on Broadway, up to two on Mass. Ave) for buildings that meet certain criteria, as well as reduced setbacks for mixed-use buildings along Broadway and Mass Ave. These incentives do not apply to the Neighborhood Multi-Family District. The table below summarizes the incentives and following the table is additional information about each incentive program.

<i>Incentives</i>	<i>Mixed-Use</i>	<i>Affordable</i>	<i>SITES</i>	<i>Max Height</i>
<i>Mass Ave</i>	+2 stories 0 ft front setback	+1 story for 22.5% affordable +2 stories for 25% affordable	+1 story	6 stories
<i>Broadway</i>	+1 story 0 ft front setback	+1 story for 22.5% affordable	+1 story	5 stories
<i>Neighborhood</i>	N/A	N/A	N/A	4 stories

## Mixed-Use Incentive

There was substantial support throughout the process for maintaining and even expanding the Town's commercial tax base and services. In response to community concerns about the potential loss of commercial uses, the Working Group did not include any parcels zoned Commercial or Industrial in the new multi-family overlay. The multi-family districts cover only residential-zoned parcels along the Mass. Ave and Broadway corridors, near but not in existing commercial centers. Locating more housing near stores, businesses, and employers is an approach that helps both residents and businesses, placing residents near services, and increasing the customer base for businesses.

For parcels directly abutting Mass. Ave and Broadway, the Working Group felt it would be beneficial to encourage mixed-use buildings with commercial on the first floor and residential above. Examples of this type of development include the Arlington EATS building at 117 Broadway and the 882-889 Mass Ave block. However, the Working Group heard from many parties that property owners generally find commercial space less profitable to build than residential. Therefore, the proposal includes a height and setback bonus for projects that provide commercial space.

#### ***Mixed-Use Incentive***

In order to qualify for the Mixed-Use Incentive, a project must allocate:

- 60% of the ground floor **area** to commercial, and
- 80% of the ground floor **frontage** to commercial

In return a project may:

- Come to the front lot line
- Add additional stories

To benefit from these bonuses, a project must allocate 60% of the ground floor area to commercial uses and 80% of the ground floor frontage. Buildings that meet this requirement may do one or both of the following:

1. Come up to the front lot line. This is in keeping with the current zoning requirements for commercial and mixed-use buildings in Business Zones (except B1). Moreover, it is simply good urban design: shops and restaurants that come up to the sidewalk provide an interesting pedestrian experience and discourage parking in the front yard. Most of the buildings in Arlington's existing commercial centers (Arlington Center, the Heights Business District, and Capitol Square) follow this pattern.
2. Add additional stories: one on Broadway, up to two on Mass. Ave. The first additional story allows the developer or building owner to provide a commercial space on the ground floor without sacrificing residential space. This will encourage the creation of new commercial spaces that would not otherwise be financially feasible. The second additional story – only available in the Mass Ave portion of the MBMF District – provides an even stronger incentive for the addition of commercial space along Arlington's "Main Street". For any stories above 4 (i.e. stories 5 and 6), the zoning requires a 7.5 foot step-back from the property line at street frontages.

A note regarding incentives vs. mandates: the initial guidelines provided by the State did not allow communities to require mixed-use development in Section 3A multi-family districts. On August 17, 2023, the State updated its guidelines to allow certain mixed-use districts to count towards a portion of the required total unit capacity. The Working Group reviewed these updated guidelines in its August 29<sup>th</sup> meeting. It concluded that while a requirement for mixed-use might make sense in certain areas, such as Arlington Center, it did not make sense in the areas that were chosen for the proposed multi-family districts, which are all residentially zoned.

The Working Group felt that its incentive-based approach – whose 60% requirement for ground-floor commercial floor area is double the threshold allowed by the State guidelines – would lead to more and higher-quality commercial spaces, without imposing a mandate that might be uneconomic or lead to vacant storefronts. However, the Working Group strongly encourages the Arlington Redevelopment Board to study the possibilities for mixed-use zoning in other areas of Town where a mandate for some commercial space might make sense.

### **Affordable Incentive**

There was strong support on the Working Group for exceeding the Town's Inclusionary Zoning requirement of 15% affordable housing, and we heard similar support in our conversations with the community. Early guidance from EOHLC indicated communities would have to justify a requirement over 10% for affordable housing to show that it is economically viable and would not inhibit the production of multi-family housing. On July 18, the Working Group requested that the Department of Planning and Community Development submit an economic feasibility analysis to the State to that effect. DPDC has contracted for that economic feasibility analysis and expect easy approval from the State. At a meeting 2 weeks later, the Working Group discussed a proposal to allow additional stories as an incentive for voluntarily providing a higher percentage of affordable units over the 15% currently required.

#### ***Affordable Incentive***

The proposal requires 15% affordable housing, matching our existing requirements. It includes a height bonus for providing additional affordable units, up to one story along Broadway and 2 stories along Mass. Ave. One additional story raises the affordable housing requirement by 7.5%, to 22.5% of units. A second additional story (on Mass. Ave. only) raises the affordable housing requirement by another 2.5% to 25%.

The Working Group voted to include an affordability height bonus of one story along Broadway and two stories along Mass. Ave. One additional story raises the affordable housing requirement by 7.5%, to 22.5%. A second additional story (on Mass. Ave. only) raises the affordable housing requirement by another 2.5% to 25%. Income and rent or sale price restrictions match those in our existing Inclusionary Zoning regulation. This incentive assumes that the State allows the Town to increase the base inclusionary zoning over 10%. We expect a response from the State before Special Town Meeting.

The 28 incentives are sized based on an analysis of the financial return required to make a project feasible. Generally speaking, the per unit cost to build a 4-story building is greater than for a 5 or 6 story building, because some of the costs are fixed (i.e. land cost) and some may increase, but at a greatly reduced rate (i.e. architectural fees; some construction costs like site work, foundations, elevators, and the roof). Therefore, building higher is a more cost-efficient way to

provide housing.<sup>16</sup> It costs an estimated 20 – 25% to increase the kind of small to moderately-sized building we anticipate would be common in this district from a 4-story building (16 units) to a 6-story building (24 units) – a 33% increase in number of units. This makes each unit marginally less expensive and potentially more profitable. As an example, if it costs \$400,000 per unit to develop 16 units, it might only cost \$325,000 per unit to develop 24 units. We propose that some of those cost savings would make it financially feasible for a developer to provide additional affordable units, with lower rents for income-qualified residents.

The proposal offers a single-story bonus for providing an additional 7.5% affordable units, and a two-story bonus for providing 10% affordable units, over what is required by our current zoning bylaw. Up to 2 additional stories would be allowed along Mass. Ave, up to one additional story along Broadway. In the following example scenario, the incentive would double the number of affordable units produced in the building:

Mass. Ave./Broadway Affordable Incentive Example Scenario:

	<i>Stories</i>	<i>Total Units</i>	<i>Required 15%</i>	<i>Bonus +7.5%</i>	<i>Bonus +2.5%</i>	<i>Affordable Units</i>	<i>Affordable %</i>
<i>Allowed by right</i>	4	16	3	N/A	N/A	3	15%
<i>+1 story</i>	5	20	3	2	N/A	5	22.5%
<i>+2 stories</i>	6	24	4	1	1	6	25%

Currently, the average rent for a 2-bedroom apartment in Arlington is approximately \$2,875. Looking at newer apartment buildings suggests \$3,600 is a better comparable 2-bedroom rent for projects developed under MBTA Communities zoning. Affordable rents, as defined by Arlington's Inclusionary Zoning bylaw (60% area median income) are \$2,004. At these levels, the proposed density bonuses with affordability requirements should be enough to attract market rate developers to take advantage of the bonuses.

### Environmental Incentive

Town plans reflect the need for development criteria that consider sustainability, climate resilience, and ecological land management.<sup>17</sup> Residents have underscored their support for these goals in conversations about MBTA Communities and made specific requests that the Town incorporate such aims in the zoning criteria. The Department of Planning and Community Development explored various options to this end and found the SITES rating system<sup>18</sup> by the Sustainable SITES Initiative to be the best framework to apply in the context of an MBTA

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<sup>16</sup> There are limitations on this assumption as buildings grow very large. For example, above a certain height, buildings must be framed in steel instead of wood. Given lot sizes in the district, we do not anticipate many buildings of a scale where this would have a noteworthy impact.

<sup>17</sup> The Arlington Master Plan, Net Zero Action Plan, Hazard Mitigation Plan, Open Space and Recreation Plan, and Public Land Management plans have action items related to working with private actors to realize the Town's goals on these topics.

<sup>18</sup> <https://sustainablesites.org>

Communities. The proposed bonus is of one additional floor for a Gold-level certifiable development on the SITES scale.

Like its companion rating system LEED, SITES has become a standard for landscape design and construction. SITES emphasizes the design, construction, and maintenance of outdoor spaces but, through its synergies with LEED, also ensures healthy and sustainable buildings. SITES is evaluated across ten categories and the system has a maximum score of 200 points. A checklist of SITES prerequisites and credits is attached to this memo. The criteria align well with Arlington's existing bylaws and regulations. The Town's requirements ensure that compliance with SITES is easily within reach. Major developments are already typically asked to manage precipitation beyond the baseline, to provide bike and pedestrian friendly transit options, and to landscape with ecologically appropriate species—all of which are SITES criteria.

SITES is a suitable system for this context because it incentivizes outcomes that the Town wishes to see but does not yet have the capacity to require. For example, residents have requested features like publicly accessible site use (e.g., in the form of pocket parks) be required in the MBTA Communities districts. SITES helps to realize this goal by awarding points to the creation of open space where residents can sit in landscaped outdoor areas, enjoy green streetscapes, and enjoy the benefits of those amenities, like physical activity, mental restoration, enhanced social connection, and equitable site use. Beyond the existing Stormwater Bylaw, Arlington's Engineering Division advises redevelopment projects to manage precipitation on site beyond the baseline and finds that designs can be achieved easily and cost-effectively that meet the 95th percentile precipitation event, in part through the design of functional stormwater features as amenities (e.g., rain gardens). Both best practices are SITES credits.

Even with such strong alignment, it will be necessary to adapt the SITES scorecard for use in Arlington. Certain landscape features to be conserved or enhanced under SITES are not present in the MBTA Communities districts—healthy soils and appropriate vegetation, special status species, to name a couple—while, at the opposite end of the spectrum, some criteria are not required under SITES that are essential to Town goals, such as reducing urban heat island effects. In addition to the standard scorecard, a modified SITES checklist will be tailored for use in Arlington. A draft sample version of such a scorecard is included in Appendix D.

#### *SITES Rating System*

SITES is a suitable system for this context because it incentivizes outcomes that the Town wishes to see but does not yet have the capacity to require. For example, publicly accessible landscaped outdoor areas, green streetscapes, and additional stormwater management are all examples of amenities that would count toward the incentive.

The Working Group and DPCD recommend that site plan review for SITES compliance and ongoing reporting be received, assessed, and recorded by DPCD staff. Successful implementation of these criteria will require that new owners be apprised of the requirements. DPCD recommends that notice of the requirements be recorded with the title for the property.

# Key Concepts

## Capacity

The scenarios modeled by our consultant Utile include a calculation of “capacity” based on the compliance model published by the state. It is important to note that zoning capacity is meant to measure whether a zone is of ‘reasonable size.’ Capacity is not trying to measure how much new housing will be built. Zoning capacity is a calculation of how many units could be built if every parcel started as an empty lot and was built to a theoretical maximum capacity.

The state’s compliance model calculates how many homes could exist in the proposed district if somehow every existing home were removed, and if every lot was built to the absolute maximum, and if none of the housing had any parking, and if every home was a 1,000 square foot apartment. The compliance model calculates a capacity of 7,268 units in the proposed district. There are approximately 2,100 homes that exist today in the district.

Despite the model showing a theoretical capacity increase of approximately 5,000, Arlington is only likely to see a fraction of that number of additional homes built in the next 10-20 years. There are many practical reasons for this, including:

- Most homeowners are not looking to sell their home so only a small number of homes come up for sale in any given year.
- Most builders are likely to include at least some parking.
- A number of existing properties are condominiums, and coordinating a purchase from all of the owners at once is unlikely in most cases.
- Some homes are newly built and the price to buy them would make it not financially feasible to turn them into multi-family housing.

The Working Group has chosen to create a proposal that over time will result in new multi-family housing and helps us make progress on the goals we share as a community: to be welcoming and inclusive, to be climate leaders, to give access open spaces, and to support vibrant businesses. In contrast, a proposal designed to do the bare minimum will not encourage much, if any, new housing. It might allow us to meet the letter of the law, but it will not help us make progress on the goals that we share as a community.

## Capacity

Zoning capacity is meant to measure whether a zone is of ‘reasonable size.’ **Capacity is not trying to measure how much new housing will be built.**

The state’s compliance model calculates how many homes could exist in the proposed district if somehow every existing home were removed, and if every lot was built to the absolute maximum, and if none of the housing had any parking, and if every home was a 1,000 square foot apartment.

## By-Right

The MBTA Communities / Section 3A law requires Arlington to have at least one zoning district of reasonable size in which multi-family housing (any residential property containing three or more housing units) is permitted by right (without a Special Permit). Individual property owners will have the option to decide if they want to redevelop their property under the new zoning. No property owner will be required to change their property or develop new housing. Construction of any new development will still require applying for a building permit, submitting plans, and completing inspections. It is expected that any new potential development would occur over years or even decades.

## Inclusionary Zoning

Arlington's current zoning requires that 15% of dwellings be affordable (i.e., income-restricted) in new multi-family buildings with six dwellings or more. This is commonly called inclusionary zoning. There has been significant public support for allowing multi-family housing at that scale in the MBTA Communities districts to trigger affordability requirements.

Under Section 3A's guidance, municipalities must provide justification for affordability requirements greater than a rate of 10%. The Department of Planning and Community Development has contacted for an economic feasibility analysis showing that our 15% inclusionary zoning rate

(currently in place for multi-family

development in Town) is economically viable, and we are confident that the analysis will be acceptable to the State. The Working Group has also voted to incentivize a higher percentage of affordable dwellings.

### *Inclusionary Zoning Approval*

The Department of Planning and Community Development has contacted for an economic feasibility analysis showing that our current inclusionary zoning 15% rate is economically viable, and we are confident that the analysis will be acceptable to the State. The Working Group has also voted to incentivize a higher percentage of affordable dwellings.

# Implementation

## Site Plan Review

Projects built under Arlington's proposed MBTA Communities zoning will be subject to site plan review by the Arlington Redevelopment Board. While site plan review is an administrative process, not discretionary, it will still provide the board and members of the public with an opportunity to review and comment on new project proposals. These reviews will be based on the standards that the ARB currently uses for Environmental Design Review, which include: preservation of landscape, relation of buildings to the environment, open space, traffic and circulation, surface water drainage, utility service, safety, heritage, microclimate, and sustainable building and site design.

## Design Guidelines

Well-developed design guidelines can be a valuable part of the site plan review process, ensuring that builders understand community expectations beforehand. Arlington has existing Residential Design Guidelines<sup>19</sup> for single- and two-family housing. There are also Design Standards for Industrial and Commercial development<sup>20</sup>.

## SITES Qualification

It will be necessary to adapt the SITES scorecard for use in Arlington. Certain landscape features to be conserved or enhanced under SITES are not present in the MBTA Communities districts—healthy soils and appropriate vegetation, special status species, to name a couple—while, at the opposite end of the spectrum, some criteria are not required under SITES that are essential to Town goals, such as reducing urban heat island effects. In addition to the standard scorecard, a modified SITES checklist will be tailored for use in Arlington. A draft sample version of such a scorecard is included in Appendix D.

The Working Group and DPCD recommend that site plan review for SITES compliance and ongoing reporting be received, assessed, and recorded by DPCD staff. Successful implementation of these criteria will require that new owners be apprised of the requirements. DPCD recommends that notice of the requirements run with the land and be recorded with the title for the property.

## Historic Properties

While multi-family housing can be appropriate in historic districts, the Working Group chose to keep our proposal out of the eight Arlington Historic Districts. Development of properties in Historic Districts are subject to architectural review by the Historic District Commission. The Working Group felt that the State might view the inclusion of properties subject to these reviews as an attempt to avoid Section 3A's requirement for a by-right process.

## Inspectional Services

Construction of any new development will still require applying for a building permit, submitting plans, and completing inspections. The Inspectional Services Department already oversees building permits and inspections for multi-family and mixed-use development in Arlington, and Section 3A does not make any changes to this part of the building process.

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<sup>19</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/54518/637472609831970000>

<sup>20</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/45347/636842906363630000>

# Additional Recommendations

The MBTA Communities Working Group was formed to conduct public outreach and engagement, to listen and gather public input, and to translate these varied and diverse public viewpoints into a district map with the accompanying zoning regulations. Beyond the map and zoning regulations, the Working Group would like to make a number of additional recommendations to the town.

## **Apply our existing street tree planting bylaw to all residential districts**

Arlington's Zoning Bylaw has public shade tree standards that apply to Business Districts (Section 6.3) and Industrial Districts (Section 5.6.2.D(5)), but no such standard for Residential Districts. The Working Group encourages the Arlington Redevelopment board to consider adopting similar shade tree standards for Residential Districts, including the multi-family districts proposed for Section 3A compliance.

## **Create more consistent business districts**

The Working Group supports the Arlington Redevelopment Board's efforts to create a more consistent and cohesive Arlington Heights Business District. The Working Group encourages the ARB to pursue similar rezoning efforts in Arlington Center and Capitol Square.

## **Consider future mixed-use districts**

After reviewing the Aug 17, 2023 guidance from the Executive Office of Housing and Livable Communities (EOHLC), the Working Group declined to incorporate new provisions that would allow a requirement for ground floor commercial. Members of the Working Group believed the new provisions did not offer an improvement over the current strategies of incentivizing ground-floor commercial and placing the multi-family district outside of areas zoned for commercial use. Having taken that position, members of the Working Group believe that EOHLC's guidance changes should be part of future mixed-use zoning considerations.

## **Encourage additional affordable housing opportunities**

The MBTA Communities Working Group is recommending a set of bonuses for the inclusion of additional affordable (i.e., income-restricted) housing: an additional story for providing 22.5% affordable units, and an additional two stories for providing 25%. We are aware that the Affordable Housing Trust Fund Board (AHTFB) is also looking at policies that would allow the construction of affordable housing by-right, particularly at scales that would be eligible for Low Income Housing Tax Credits (larger projects that include housing for lower income households). The Working Group encourages the Arlington Redevelopment Board to consider future proposals from the AHTFB, and to tailor the MBTA Communities affordable housing bonuses in a complimentary fashion, in order to accommodate a range of projects scales and types.

## **Consider additional areas for multi-family housing in a future master plan**

As the Working Group was developing the proposal, we considered many locations across Arlington. In particular, locations along or near Summer Street, Park Ave, Mystic Street, Pleasant

Street, the Route 2 Access Road and along the Minuteman Bikeway drew our attention. While these areas were ultimately not included in this proposal, it is not because the Working Group deemed them unsuitable for multi-family housing. We encourage any future Master Planning effort to consider ways to encourage multi-family housing in additional areas of Arlington.

### **Consider additional actions**

The Working Group affirms that the MBTA Communities legislation is one piece in a complex puzzle, and that other actions and policies -- such as those listed in Arlington's Community Equity Audit and Fair Housing Action Plan -- are needed to address the region's housing challenges.

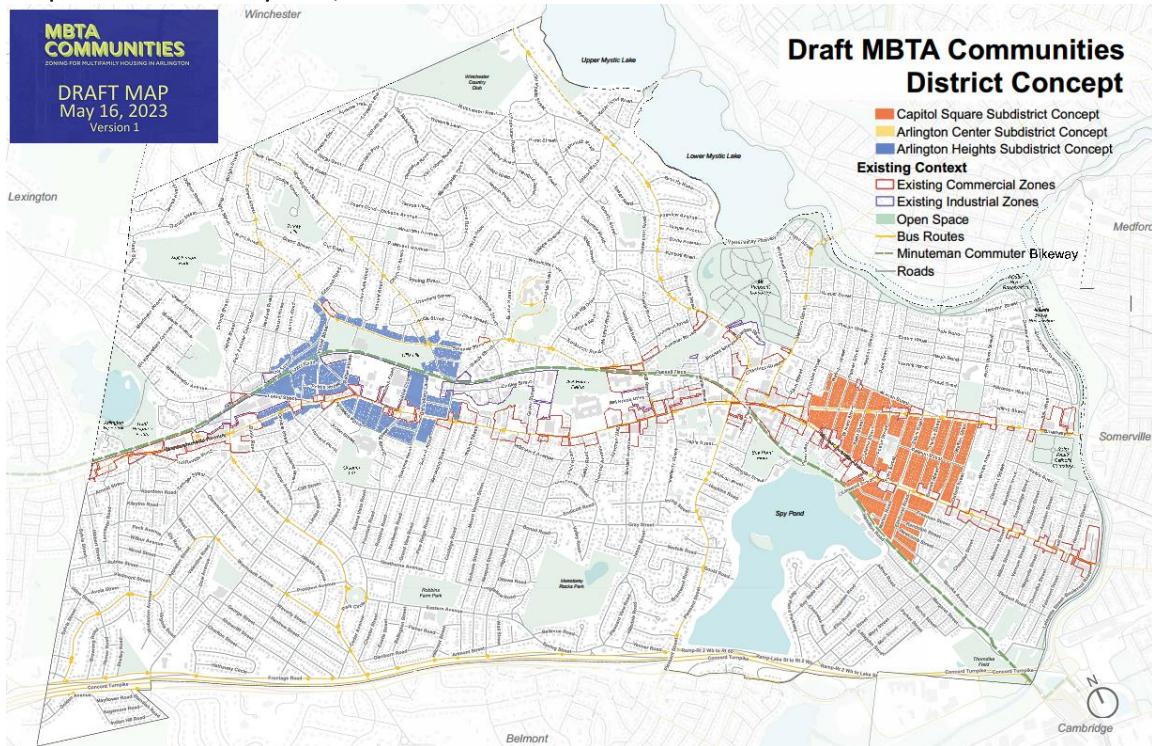
## Appendix A: Map Iterations

Over the past several months, the Working Group has both reviewed themselves and received comment from the community on more than ten different versions of maps for Arlington's MBTA Communities overlay zone.

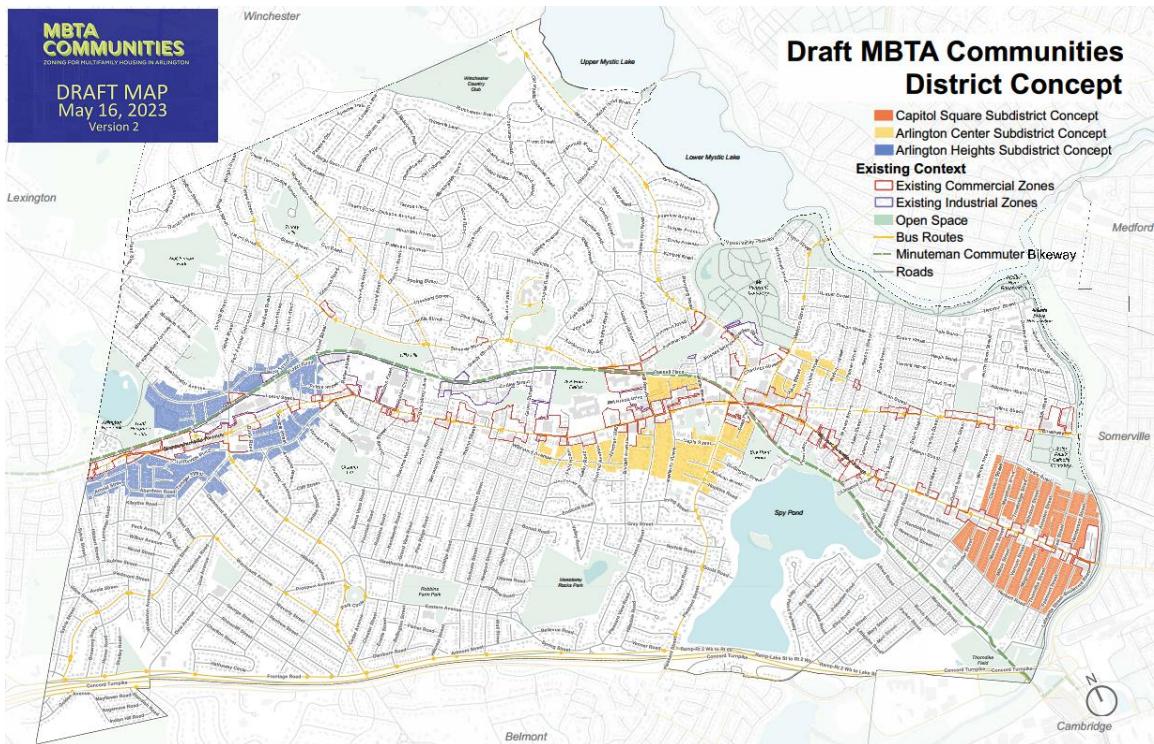
Each iteration of the map has reflected comments, questions, suggestions, and concerns from the Working Group and from the community. With early maps the Working Group was largely focused on "where" on the map the zones might go. As our work progressed, we also began to focus on "what sorts of building" would be allowed in the various subdistricts. As you follow the progression of maps you can see that they show ideas added, considered, modified, and discarded. In some cases, ideas from earlier maps return in later maps.

Looking at all the maps, starting with the May 16th version and ending with the proposal going to the ARB, the maps show the iterative nature of the Working Group's effort to listen to feedback, consider various perspectives, and ultimately to propose an optimal solution for Arlington.

### Map Iterations - May 16<sup>th</sup>, 2023

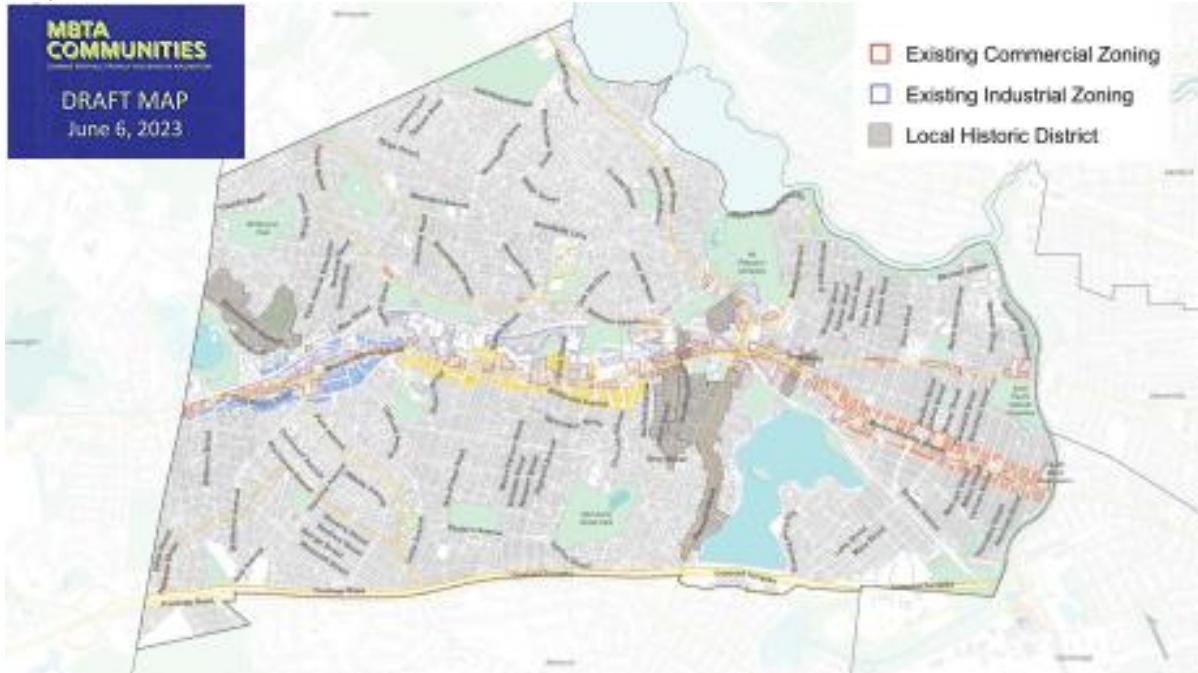


<https://www.arlingtonma.gov/home/showpublisheddocument/65975/638236616845500000>



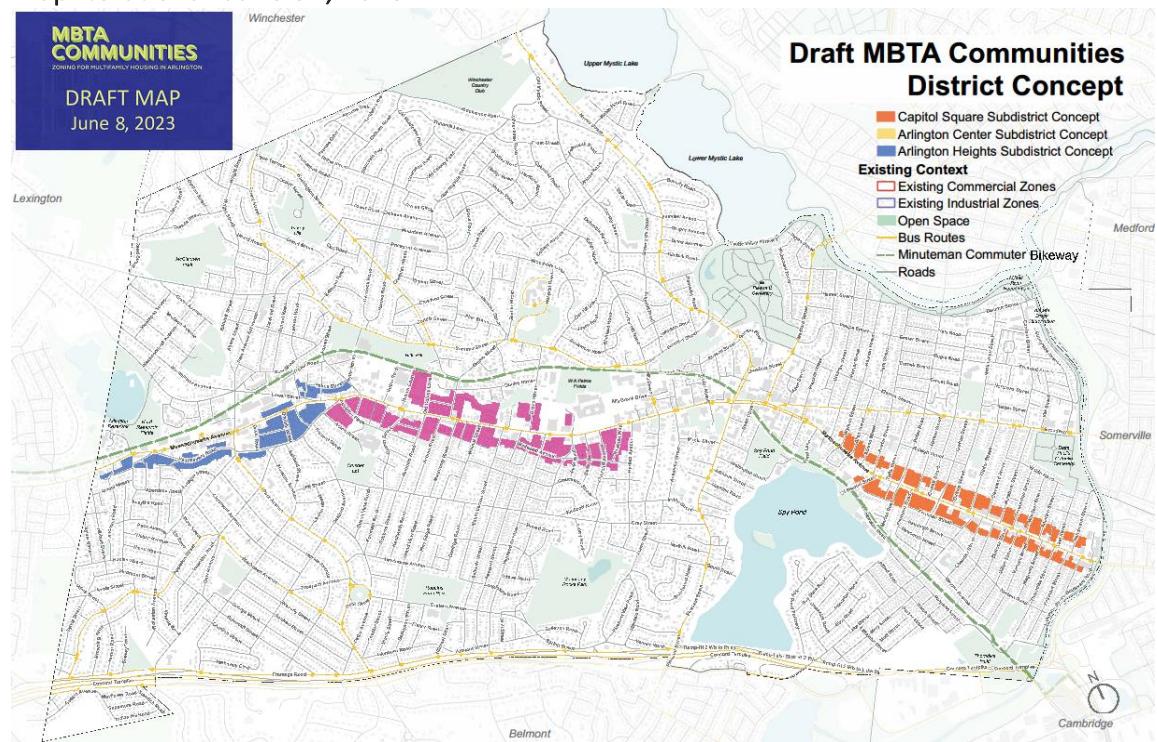
<https://www.arlingtonma.gov/home/showpublisheddocument/65977/638236616852070000>

Map Iterations - June 6<sup>th</sup>, 2023



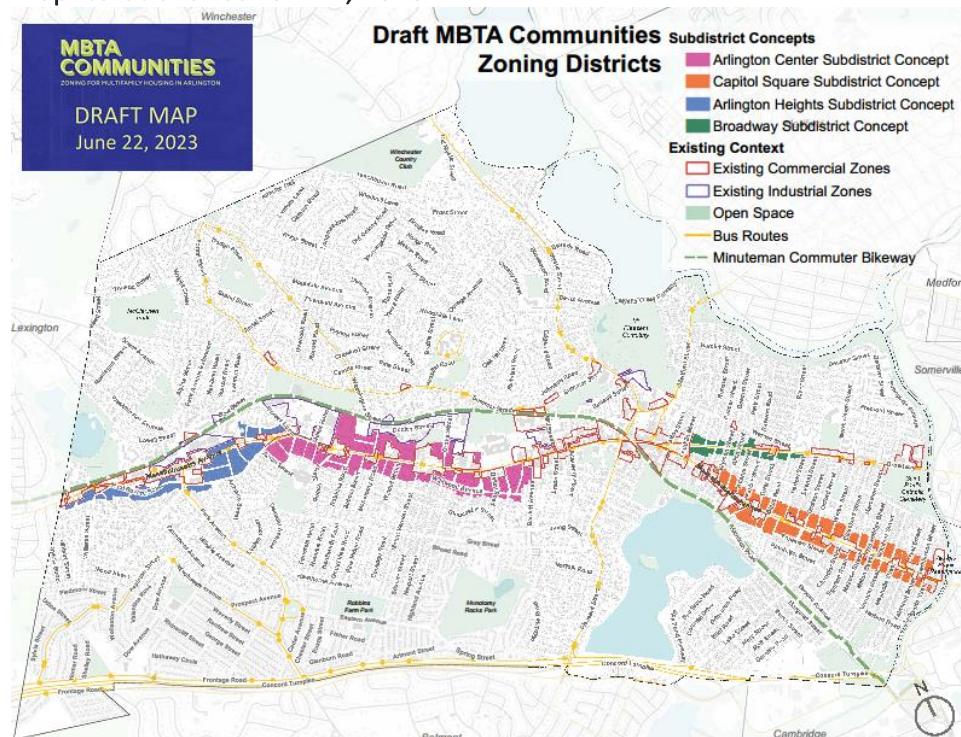
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## Map Iterations - June 8<sup>th</sup>, 2023



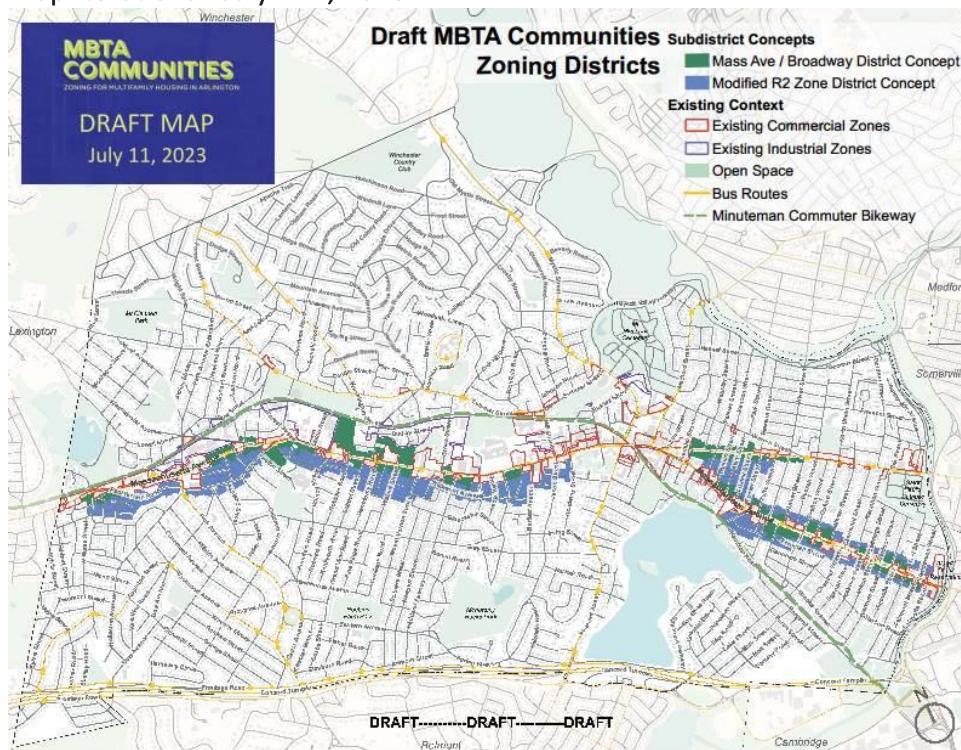
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## Map Iterations - June 22<sup>nd</sup>, 2023



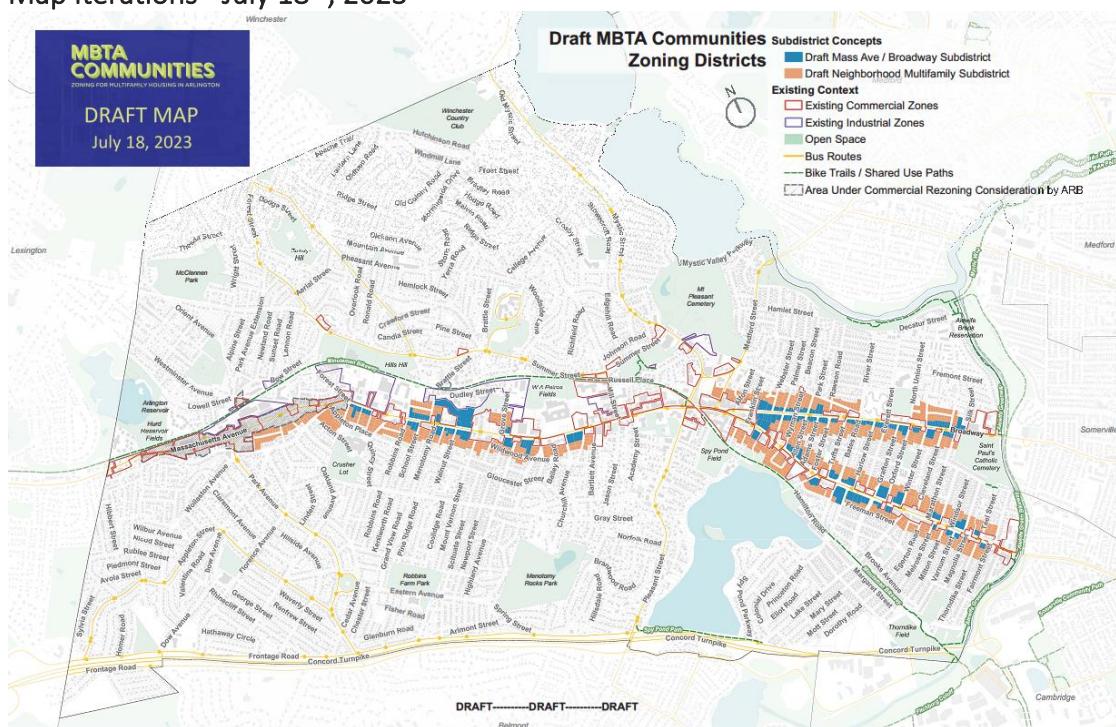
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## Map Iterations - July 11<sup>th</sup>, 2023



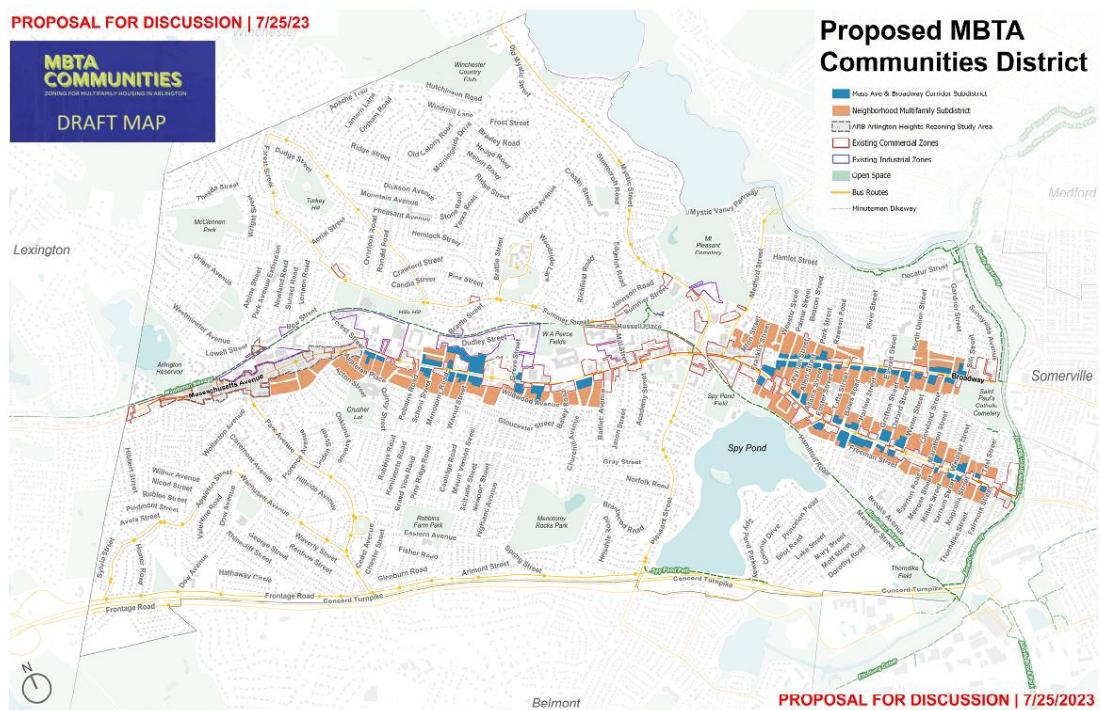
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## Map Iterations - July 18<sup>th</sup>, 2023



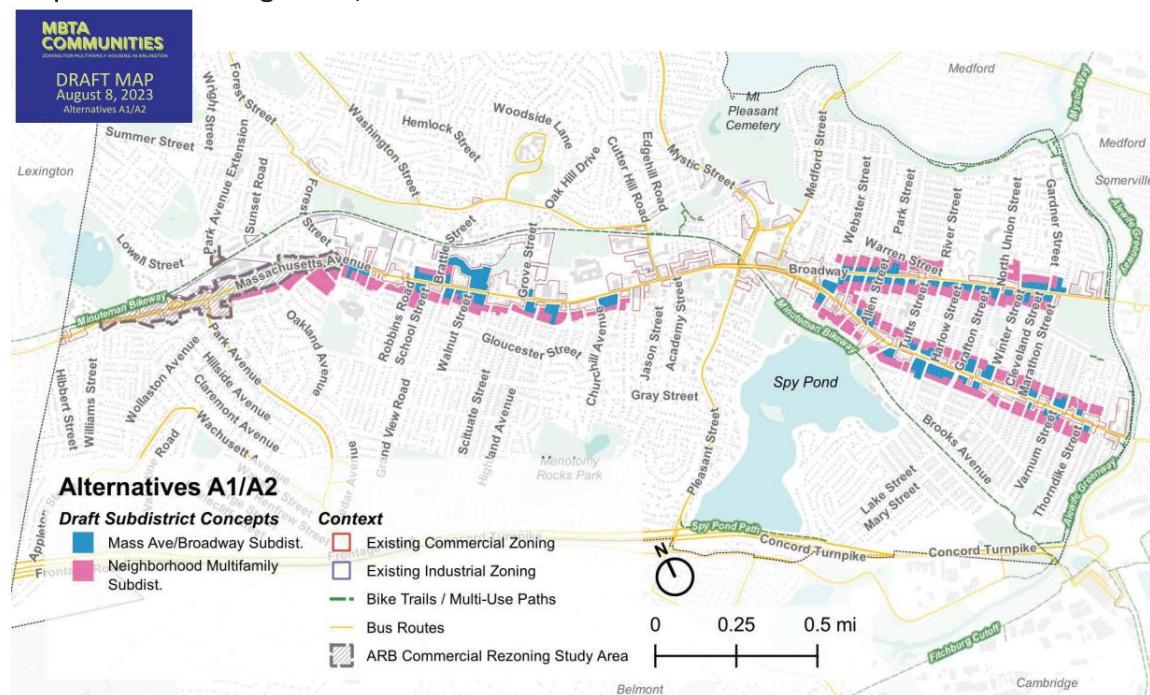
<https://www.arlingtonma.gov/home/showpublisheddocument/66181/638253560130870000>

## Map Iterations - July 25<sup>th</sup>, 2023

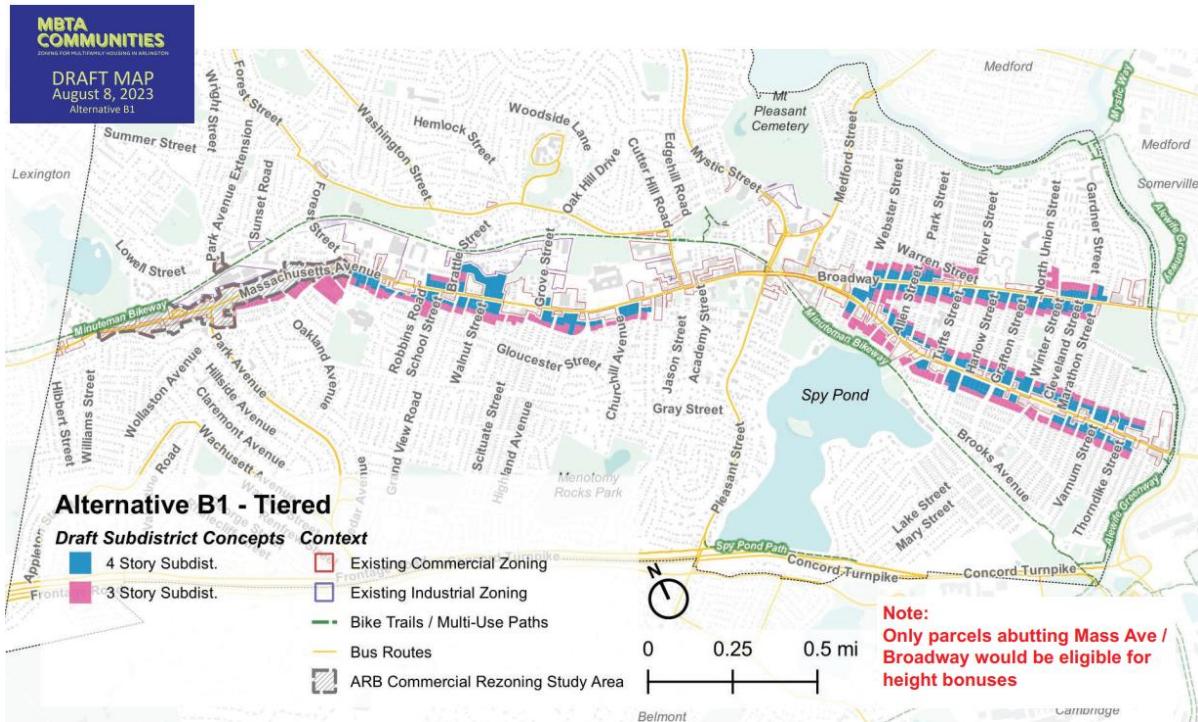


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## Map Iterations - August 8<sup>th</sup>, 2023

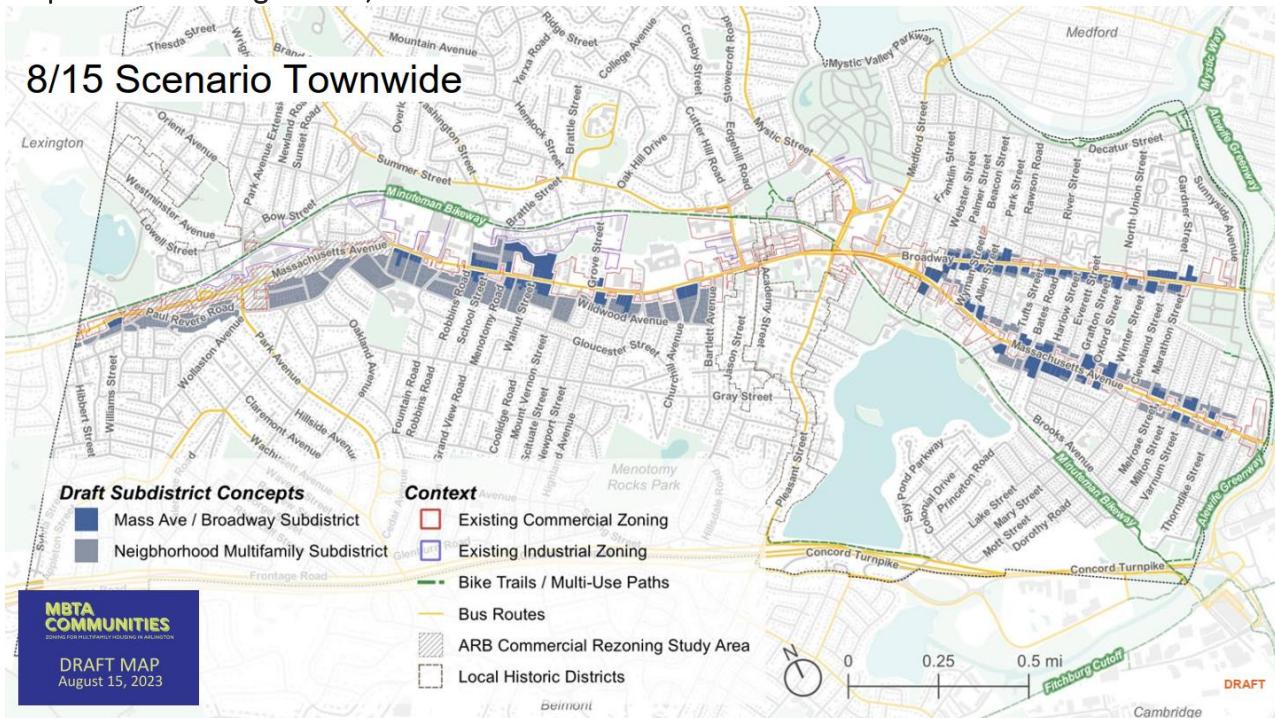


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<https://www.arlingtonma.gov/home/showpublisheddocument/66435/638276997687570000>

Map Iterations - August 15<sup>th</sup>, 2023



## Appendix B: Housing Recommendations in the Community Equity Audit

The Community Equity Audit,<sup>21</sup> completed for the Town in January of this year, includes three recommendations related to housing. Recommendation 12 is particularly relevant to our implementation of the MBTA Communities law. We have re-produced the three housing-related recommendations in this appendix. Please the Community Equity Audit for much more detail.

### *Community Equity Audit:*

Our conversations with residents revealed the types of units being built in the Town do not fit the needs of the community's most vulnerable members, which was also highlighted in the Arlington Fair Housing Action Study.

#### **Recommendation 10:**

Establish and hire for a housing specialist or liaison position.

- a. Establish a pathway for the Town to expand capacity to address fair housing complaints and renter's rights violations.
- b. Develop and run a local renter support network and information hub.
  - i. Robust Renter's rights information.
  - ii. Connections to legal aid.
  - iii. Landlord/ tenant relations.
  - iv. Available housing options.

#### **Recommendation 11:**

Develop a community fund for rental assistance and rental housing improvement programs and establish a centralized system for grant writing, and fund procurement.

#### **Recommendation 12:**

Address restrictive policies for residential zoning districts in order to allow for desegregation.

1. Remove the requirement for a special permit to develop multifamily units.
2. Allow development of multifamily housing in the R0 and R1 zoning districts.
3. Allow for an inclusionary zoning density bonus in high-density residential zoning districts.

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<sup>21</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/63916/638114686699730000>

# Appendix C: Housing Strategies in the Fair Housing Action Plan

The Fair Housing Action Plan<sup>22</sup> is a key document that provides a pathway forward for the Town to advance its commitment to housing for all. These are the proposed recommendations:

## Strategy A: Increase awareness, education, and enforcement of fair housing laws.

- Pass a resolution that codifies Arlington's commitment to fair housing.
- Through notices and marketing materials, offer fair housing education and enforcement reminders to real estate professionals operating in Arlington.
- Continue holding public discussions on the impact of housing, the role of direct and indirect discrimination, and fair housing law.
- Contract with MCAD, Metro Housing Boston, or Suffolk Law School's Housing Discrimination Testing Program to provide fair housing training, testing, and enforcement in Arlington specifically.
- Work with Town boards and commissions as well as local nonprofits to disseminate educational materials on fair housing.

## Strategy B: Alter Town governance structures and processes to address fair housing concerns.

- Add a Housing Working Group to the Arlington Human Rights Commission that focuses on fair housing issues. A liaison from the Department of Planning and Community Development for this working group should coordinate interdepartmental housing concerns and policy.
- Create a protocol for responding to fair housing complaints or allegations of fair housing violations that is uniform across commissions. The protocol should designate a commission and a staff person with responsibility over the complaint process.
- Change the existing complaint-driven code enforcement system to one with regular, proactive inspections.
- Explore alterations to the Town Meeting schedule and virtual participation methods that could make Town Meeting membership feasible for people who cannot join Town Meeting under the current procedures.
- Institute Equity Impact Assessments for each item on the Town Meeting warrant, particularly housing and development related items.

## Strategy C: Reform the Zoning Bylaw to encourage development that increases fair housing choice.

- Reduce the overall complexity of the Zoning Bylaw through recodification.
- Allow two-family development by right in nominally single-family districts where two-family dwellings were historically commonplace.

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<sup>22</sup> <https://www.arlingtonma.gov/home/showpublisheddocument/57214/637641171662530000>

- Allow three-family, townhouse, and multifamily housing options by right in districts nominally meant for them.
- In districts intended for higher densities, only allow single-family developments by Special Permit, if at all.
- Amend restrictive dimensional and parking requirements for multifamily uses that make development infeasible in districts where those uses are appropriate.
- Explore zoning amendments that would allow the conversion of large existing single-family homes to two- and three-family homes.
- Explore zoning amendments that would allow two- and three-family homes in single-family districts where the total building size is similar to that of abutting single-family homes.
- Ensure zoning conforms with new state-level requirements for MBTA communities.
- Provide loans or grants to homeowners to develop accessory dwelling units in exchange for affordability restrictions.
- Raise the threshold for EDR review, particularly on major corridors, replacing that review with performance standards for new developments.
- Limit subjective criteria in discretionary reviews, eliminate review standards that perpetuate segregation, and define clear performance and design standards that projects will be reviewed against.
- Consider distinct density and dimensional regulations for development that is 100% affordable housing.
- Consider approvals by right for developments that are 100% affordable housing.

**Strategy D: Use non-zoning techniques to encourage development that increases fair housing choice.**

- Provide opportunities for housing developments that would trigger the Town's inclusionary zoning requirement.
- Amend Arlington's local preference policy to be more welcoming to nonresidents.
- Draft guidelines for addressing accessibility concerns on historic properties.
- Institute clear conservation performance standards for properties in conservation areas zoned for multifamily uses. These standards, if followed, should ensure approval from the Conservation Commission.
- Plan for and permit new housing development that could address Arlington's share of the regional housing supply gap.
- Encourage new developments to include sufficient accessible units.
- Prioritize family-sized units for new affordable housing units, including purpose-built affordable housing and inclusionary units.

**Strategy E: Use Town resources to create opportunities to meet housing need.**

- Explore expansions to Arlington's tax exemption system that could apply to all income-eligible members of protected classes.
- Set a minimum annual dollar amount and minimum percent of CPA funds (above the statutory minimum) and CDBG funds that will go to address housing needs.
- Continue working with affordable housing providers and strategically using CPA and CDBG funds to create opportunities for HOME funding.
- Assess alternative funding resources such as housing bonds.
- Offer grants or low-interest loans to retrofit historic housing for accessibility.
- Explore funding opportunities to assist small property owners with lead abatement or removal.

**Strategy F: Alter Arlington Housing Authority policy to increase fair housing choice.**

- Explore the voluntary adoption of Small Area Fair Market Rents or exception payment standards.
- Eliminate rental application fees for voucher holders.
- Encourage landlords to follow HUD's guidance on the use of criminal backgrounds in screening tenants.
- Eliminate barriers to tenant participation in AHA meetings by providing childcare and/or meeting at alternative times and days of the week.

**Strategy G: Protect tenants in protected classes from displacement.**

- Bolster protections of tenants by requiring property owners to give significant notice to tenants when they are preparing to redevelop or sell a property and when they are planning to raise rents.
- Advocate for passage of the Tenant Opportunity to Purchase Act at the state level. If it passes, support tenant purchasers through funding and technical support.

**Strategy H: Encourage access to private housing by protected classes.**

- Conduct targeted outreach and provide tenant application assistance and support to persons with disabilities, including individuals transitioning from institutional settings and individuals who are at risk of institutionalization.
- Maintain a database of housing that is accessible to persons with disabilities.
- Partner with one or more financial institutions and quasi-public institutions like the Massachusetts Housing Partnership to market available financing options to protected classes. Ensure those mortgage products are fair to borrowers.

## Appendix D: Draft Sample SITES Scorecard

MBTA COMMUNITIES BONUS SITES CERTIFICATION								
Estimate points below (key at bottom)			PREREQUISITE OR CREDIT #	TITLE	CASE / OPTION / THRESHOLD	POINTS	POSSIBLE POINTS PER CREDIT	
YES	?	NO						
0	0	0	<b>0: REQUIREMENTS</b>					
Y			REQ P0.1	Redevelop degraded sites				
Y			REQ P0.2	Locate projects within existing developed areas				
Y			REQ P0.3	Connect to multi-modal transit networks				
Y			REQ P0.4	Use an integrative design process				
Y			REQ P0.5	Reduce urban heat island effects				
Y			REQ P0.6	Reduce light pollution				
Y			REQ P0.7	Plan to monitor and report site performance				
Y			REQ P0.8	Engage users and stakeholders				

Estimate points below (key at bottom)			PREREQUISITE OR CREDIT #	TITLE	CASE / OPTION / THRESHOLD	POINTS	POSSIBLE POINTS PER CREDIT	
YES	?	NO						
0	0	0	<b>1: SITE DESIGN - WATER</b>					<b>Possible Points:</b> 25
Y				WATER P1.1	Manage precipitation on site			
Y				WATER P1.2	Reduce water use for landscape irrigation			
			WATER C3.1	Manage precipitation beyond baseline	80th percentile precipitation event	6	6 to 10	
					90th percentile precipitation event	8		
					95th percentile precipitation event	10		
			WATER C3.2	Reduce outdoor water use	Option 1: Reduce outdoor water use	5	5 to 7	
					Option 2: Significantly reduce outdoor water use	6		
					Option 3: Eliminate outdoor water use	7		
			WATER C3.3	Design functional stormwater features as amenities	50% of stormwater features	6	6 to 8	
					100% of stormwater features	8		

Estimate points below (key at bottom)			PREREQUISITE OR CREDIT #	TITLE	CASE / OPTION / THRESHOLD	POINTS	POSSIBLE POINTS PER CREDIT
YES	?	NO					
0	0	0	<b>2: SITE DESIGN - SOIL + VEGETATION</b>			<b>Possible Points:</b> 30	
Y			SOIL+VEG P2.1	Control and manage invasive plants	Case 1: No invasive plants found on site Case 2: Invasive plants identified on site		
Y			SOIL+VEG P2.2	Restore soils disturbed during construction			
Y			SOIL+VEG P2.3	Use appropriate plants			
SOIL+VEG C2.1		Optimize biomass	SOIL+VEG C2.1	Optimize biomass	Minimal biomass		
					Low biomass	4	4 to 10
					Medium biomass	6	
					High biomass	10	
SOIL+VEG C2.2		Conserve and use native plants	SOIL+VEG C2.2	Conserve and use native plants	40% total native plant score	4	4 to 5
					60% total native plant score	6	
SOIL+VEG C2.3		Conserve and restore native plant communities	SOIL+VEG C2.3	Conserve and restore native plant communities	20% total native plant community score	3	3 to 5
					40% total native plant community score	4	
					60% total native plant community score	5	
SOIL+VEG C2.4		Use vegetation to minimize building energy use (project must have building on site)	SOIL+VEG C2.4	Use vegetation to minimize building energy use (project must have building on site)	No buildings present on site		3 to 5
					Provide shaded area - 30% shaded	3	
					Provide shaded area - 60% shaded	5	
SOIL+VEG C2.5		Restore soils disturbed by previous development	SOIL+VEG C2.5	Restore soils disturbed by previous development	Low point score	3	3 to 5
					Medium point score	4	
					High point score	5	

Estimate points below (key at bottom)			PREREQUISITE OR CREDIT #	TITLE	CASE / OPTION / THRESHOLD	POINTS	POSSIBLE POINTS PER CREDIT
YES	?	NO					
0	0	0	<b>3. HUMAN HEALTH + WELL BEING</b>			<b>Possible Points:</b> 20	
			HHWB C3.1	Provide optimum site accessibility, safety, and wayfinding		2	2
			HHWB C3.2	Promote equitable site use		2	2
			HHWB C3.3	Support mental restoration		2	2
			HHWB C3.4	Support physical activity		2	2
			HHWB C3.5	Support social connection		2	2
			HHWB C3.6	Encourage fuel efficient and multi-modal transportation		4	4
			HHWB C3.7	Minimize exposure to environmental tobacco smoke	Option 1: Designate smoke-free zones	1	<b>1 to 2</b>
					Option 2: Prohibit smoking on site	2	
			HHWB C3.8	Support local economy		4	4

0	0	0	<b>3. OPERATIONS + MAINTENANCE</b>			<b>Possible Points:</b> 25	
			O+M C3.1	Recycle organic matter	100% of vegetation trimmings + food waste recycled / composted off site	5	<b>5 to 7</b>
					100% of vegetation trimmings + food waste recycled / composted on site	7	
			O+M C3.2	Minimize pesticide and fertilizer use	Option 1: Plant health care plan	6	<b>6 to 8</b>
					Option 2: Best management practices for plant health care	8	
			O+M C3.3	Use renewable sources for electricity needs	Option 2: Arlington Community Electricity - Local Greener (50%)	8	<b>8 to 10</b>
					Option 2: Arlington Community Electricity - Local Greenest (100%)	10	

Estimate points below (key at bottom)			PREREQUISITE OR CREDIT #	TITLE	CASE / OPTION / THRESHOLD	POINTS	POSSIBLE POINTS PER CREDIT
YES	?	NO					
0	0	0	<b>4. EDUCATION + PERFORMANCE MONITORING</b>			<b>Possible Points:</b>	<b>5</b>
			EDUCATION C1.1	Promote sustainability awareness and education	Option 1: Educational and interpretive elements	3	3 to 4
					Option 2: Additional education	4	
			EDUCATION C2.2	Develop and communicate a case study		1	1

0	0	0	<b>5. INNOVATION OR EXEMPLARY PERFORMANCE</b>			<b>Possible Bonus Points:</b>	<b>5</b>
			INNOVATION C1.1 (BONUS POINTS)	Innovation or exemplary performance	Option 1: Exemplary performance	2	2
					Option 2: Innovation	3	

YES	?	NO					
0	0	0	<b>TOTAL ESTIMATED POINTS</b>			<b>Total Possible Points:</b>	<b>100</b>

KEY		Certification Levels	Points
YES	Project confident points are achievable	<b>CERTIFIED</b>	50
?	Project striving to achieve points, not 100% confident	<b>SILVER</b>	70
NO	Project is unable to achieve these credit points	<b>GOLD</b>	80
		<b>PLATINUM</b>	90



## Town of Arlington, Massachusetts

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### Correspondence

#### Summary:

Correspondence Received

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	Correspondence_-_Clean_Energy_Future_Committee_Memo_-_09012023.pdf	Correspondence - Clean Energy Future Committee Memo - 09012023
Reference Material	Correspondence_-_Diversity__Equity__and_Inclusion_Memo_-_08292023.pdf	Correspondence - Diversity, Equity, and Inclusion Memo - 08292023
Reference Material	Correspondence_-_Cook_-_09052023.pdf	Correspondence - Cook - 09052023
Reference Material	Correspondence_-_Culverhouse_-_09072023.pdf	Correspondence - Culverhouse - 09072023
Reference Material	Correspondence_-_DiStasio_-_08312023.pdf	Correspondence - DiStasio - 08312023
Reference Material	Correspondence_-_Glickel_-_08192023.pdf	Correspondence - Glickel - 08192023
Reference Material	Correspondence_-_Grigoris_-_09072023.pdf	Correspondence - Grigoris - 09072023
Reference Material	Correspondence_-_Gutierrez_-_09042023.pdf	Correspondence - Gutierrez - 09042023
Reference Material	Correspondence_-_Harmon-Freeman_-_09062023.pdf	Correspondence - Harmon-Freeman - 09062023
Reference Material	Correspondence_-_LeRoyer_-_09042023.pdf	Correspondence - LeRoyer - 09042023
Reference Material	Correspondence_-_Miller_-_09052023.pdf	Correspondence - Miller - 09052023
Reference Material	Correspondence_-_Norden_-_09062023.pdf	Correspondence - Norden - 09062023
Reference Material	Correspondence_-_Pearlmutter_-_09022023.pdf	Correspondence - Pearlmutter - 09022023
Reference Material	Correspondence_-_Phelan_-_09022023.pdf	Correspondence - Phelan - 09022023
Reference Material	Correspondence_-_Rathbun_-_09042023.pdf	Correspondence - Rathbun - 09042023.pdf
Reference Material	Correspondence_-_Sonder_-_09062023.pdf	Correspondence - Sonder - 09062023



## Clean Energy Future Committee (CEFC)

### MEMORANDUM

To: Rachel Zsembery, Chair, Arlington Redevelopment Board  
Cc: Claire Ricker, Director, Planning and Community Development  
Talia Fox, Sustainability Manager, Planning and Community Development  
Sanjay Newton, Chair, MBTA Communities Working Group  
From: Ryan Katofsky, Chair, Clean Energy Future Committee  
Date: September 1, 2023  
RE: Clean Energy Future Committee Letter on MBTA Communities Zoning

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The Arlington Clean Energy Future Committee (CEFC) voices its strong support for the Arlington Redevelopment Board's (ARB's) finalizing of a proposed local zoning amendment that aligns with both the requirements and the spirit of the MBTA Communities law, or Section 3A. Passage of such a zoning amendment will help Arlington meet state requirements for multi-family zoning while also advancing our community's goals around sustainability.

Specifically, the CEFC wishes to express to the community the urgency of passing an MBTA Communities-compliant zoning amendment this fall. Passage of the MBTA Communities zoning amendment at this fall's Special Town Meeting is the only viable pathway for Arlington to participate in the State's Fossil Fuel Free Demonstration Program (Demonstration Program), which would allow implementation of the Clean Heat bylaw and home rule petition passed overwhelmingly by Arlington Town Meeting in 2020. Participation in the Demonstration Program will allow the Town to prohibit the installation of natural gas, oil, propane, and other fossil fuel infrastructure in new buildings and major renovations. **Town Meeting sent a clear message in 2020 that enacting the Fossil Fuel Bylaw was a priority, and we—the CEFC, Town administrators, and elected and appointed bodies—have an obligation to act upon that priority;** passage of the MBTA Communities zoning amendment is an essential step to carrying out the will of Town Meeting.

Participating in the Demonstration Program is also an important step beyond the recently adopted Specialized Stretch Energy Code, which was approved overwhelmingly by Town Meeting earlier this year. While the Specialized Stretch Energy Code disincentivizes the use of fossil fuels in new construction, **the Specialized Stretch Energy Code does not prohibit the use of fossil fuels, and crucially it also does not apply to major renovations**, which are more common in a built-up community like Arlington. Ultimately, it is only the combination of these two policies—the Specialized Stretch Energy Code and the Demonstration Program—that puts Arlington on a firm path to phasing out the use of fossil fuels in buildings.



## Clean Energy Future Committee (CEFC)

Furthermore, it is critical that Arlington be one of the ten communities to participate in the Demonstration Program. The goal of this Demonstration Program is first to pilot, then to scale, approaches to the challenging and crucial transition to a fossil fuel free future. Arlington has not only a responsibility but also a unique capability to meet this challenge. Arlington has long been a leader when it comes to climate action; in fact, we are first on the list of the ten Prioritized Communities in the regulations for the Demonstration Program, precisely because we were the first community in the state to submit a home rule petition to the legislature requesting local authority to ban fossil fuels. Arlington was also one of the first communities in the state to set ambitious greenhouse gas reduction targets. Builders in Arlington are already becoming accustomed to constructing efficient, all-electric homes, including affordable housing. **Thus, the Town is well-positioned to develop and share learnings from the Fossil Fuel Free Demonstration Program, ensuring widespread success in the pursuit of state and regional climate change mitigation goals.** It is also worth noting that there is currently no ability to enter the program later; if we do not qualify to participate now, it may be several years before we could join an expanded Demonstration Program or what may follow it. The time is now.

Importantly, we also support passage of an MBTA Communities zoning amendment because it offers other significant environmental benefits. In fact, **the introduction of denser, transit-oriented housing is an explicit priority in the Town's Net Zero Action Plan (NZAP).** Denser development is generally more energy efficient and encourages lifestyles with lower carbon footprints. Allowing for increased density near public transit will enable more residents to commute sustainably and reduce vehicle miles traveled. Walkable neighborhoods close to retail shops and services reduce automobile dependence. Furthermore, increasing our housing stock close to Boston addresses regional needs for more infill development rather than greenfield development which threatens natural habitats and farmland. Enabling sustainable and transportation-centric density that is fossil fuel free will be a significant step towards reaching the Town's and the region's net zero goals. Finally, if we do not pass an MBTA Communities zoning amendment, the State has made clear that the Town risks the loss of important funding sources, including Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, which continue to provide the Town with funds for critical climate mitigation and resilience initiatives that get us closer to our goals.

For these reasons, the CEFC strongly supports the objectives of the MBTA Communities law and the Town's passage of an MBTA Communities-compliant district, this fall. We appreciate the thoughtful effort on the part of the MBTA Communities Working Group to develop these recommendations, and we look forward to reviewing the final proposal the ARB submits to Town Meeting.

Sincerely,

Members of the Arlington Clean Energy Future Committee



## TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

## DIVISION OF DIVERSITY, EQUITY & INCLUSION, HEALTH AND HUMAN SERVICES DEPARTMENT

### MEMORANDUM

To: MBTA Communities Working Group (MBTACWG, "Working Group")  
Arlington Redevelopment Board (ARB)

From: Teresa Marzilli, Community Engagement Coordinator, & Jillian Harvey, Director of Diversity, Equity and Inclusion, Health and Human Services Department

Date: August 29, 2023

RE: Updated MBTA Communities Guidelines

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#### Introduction:

In 2022 the Division of Diversity, Equity and Inclusion in conjunction with the Town of Arlington contracted with the consultancy firm, Opportunity Consulting, to undertake a Community Equity Audit. Several of the [Community Equity Audit](#) recommendations pertained to housing and MBTA Communities (MBTAC), in particular, they recommended that the Town "address restrictive policies for residential zoning districts in order to allow for desegregation" by removing "the requirement for a special permit to develop multifamily units" and allowing for "development of multifamily housing in the R0 and R1 zoning districts" (recommendation #12).

From 2019-2021 the Department of Planning and Community Development (DPCD) in conjunction with the Town of Arlington worked with the Metropolitan Area Planning Council (MAPC) and the Lawyers' Committee on Civil Rights Under Law (LCCR) to complete a [Fair Housing Action Plan](#). This detailed plan also recommended addressing restrictive residential zoning. Specifically, the Town was encouraged to "allow two-family development by right in nominally single-family districts where two-family dwellings were historically commonplace; allow three-family, townhouse, and multifamily housing options by right in districts nominally meant for them" and "ensure zoning complies with new state-level requirements for MBTA communities."

Although the Working Group as a whole has not formally reviewed these documents in meetings, the plans have however informed much of the thinking of working group members, and served as a reference for the DPCD and DEI Division staff that have committed themselves to this process. This memo serves as a request to the Working Group to consider these two extensive plans as well as the work of the Affordable Housing Trust as pieces of a larger, more complex, housing puzzle. No effort alone will be able to address deep rooted inequalities in housing, but alongside other efforts we can change these systems and prioritize the needs of current and future Arlingtonians, particularly our most systematically marginalized.

### Support for MBTA Communities:

The DEI Division would like to formally voice our support for the Working Group's effort to create a zoning plan that would allow for more multi-housing *opportunities* at varied price points across Arlington. Only 9% of Arlington's land is devoted to multifamily housing, and even where building multi-family housing is allowable, it is not permitted by right. This does not provide suitable conditions for a range of housing types to exist. The current price point of homes in Arlington are far beyond the reach of most residents, regardless of their status as a member of a protected class.

The DEI Division believes that while MBTA Communities is not a complete solution, this legislation is a catalyst to correct some of the wrongs brought about by exclusionary zoning practices of the 1960s and 1970s. As detailed in the Fair Housing Action Plan, previous generations of advocates, or "neighborhood defenders," reacted to the desegregation movement in Greater Boston by utilizing "explicit and coded anti-integration language to rally opposition to apartment development, support efforts to downzone portions of the town, and to create more burdensome discretionary permitting processes for multifamily housing." A read of Arlington's bylaws and residential patterns points clearly to the legacy of these historical practices.

We commend the Working Group for its commitment to upholding the values of housing for *all*, especially in the face of increasingly vocal opposition by a small group of residents- this generation's neighborhood defenders. The Fair Housing Action Plan calls attention to this adversarial pattern, "even when they [concerns] are legitimate, the net effect of opposition across projects is to create an environment that limits the opportunities for housing production" (especially multifamily housing production), which, the plan notes "disproportionately impacts protected classes.

### Request to Working Group:

Stimulating multi-family housing development through policy changes in zoning is essential, however there are additional actions needed to achieve greater equity in Arlington. We would like to ask the Working Group to vote in the affirmative that MBTAC is one piece of a complex system of changes needed in Arlington and the region. Some of those changes are currently being undertaken by the Town, as is evident in the work of the Affordable Housing Trust. Town Meeting also passed the home rule petition which allows the Town to adopt a transfer fee for certain real estate transactions. Other advances are in the pipeline, such as continued implementation of the Equity Audit recommendations. The Town is committed to increasing awareness, education and enforcement of fair housing laws and providing more support to our residents seeking affordable housing. The upcoming Master Planning process will include longer range planning efforts to create more housing opportunities and positive changes. Your support for these plans is vital and showcases to the community and Town leadership the importance of rectifying the inequities of the past to provide a better future, for all.

Appendix A includes recommendations from the Equity Audit and the Fair Housing Action Plan.

## Appendix A.

### Recommendations from the Equity Audit and the Fair Housing Action Plan

**The Equity Audit** examined racial disparities in civic engagement, the Town workforce, and housing. They put forth three housing recommendations, number 12 is being addressed, in part by MBTA Communities.

#### **Recommendation number 10: Establishing a fair housing specialist or liaison**

- a. Establish a pathway for the Town to expand capacity to address fair housing complaints and renter's rights violations.
- b. Develop and run a local renter support network and information hub.
  - i. Robust Renter's rights information.
  - ii. Connections to legal aid.
  - iii. Landlord/ tenant relations.
  - iv. Available housing options.

#### **Recommendation 11: Develop a community fund for rental assistance and rental housing improvement programs and establish a centralized system for grant writing, and fund procurement.**

#### **Recommendation 12 Address restrictive policies for residential zoning districts in order to allow for desegregation.**

- a. Remove the requirement for a special permit to develop multifamily units.
- b. Allow development of multifamily housing in the R0 and R1 zoning districts.
- c. Allow for an inclusionary zoning density bonus in high-density residential zoning districts.

**The Fair Housing Action Plan** is a key document that provides a pathway forward for the Town to advance its commitment to housing for all. These are the proposed recommendations:

#### **Strategy A: Increase awareness, education, and enforcement of fair housing laws.**

- Pass a resolution that codifies Arlington's commitment to fair housing.
- Through notices and marketing materials, offer fair housing education and enforcement reminders to real estate professionals operating in Arlington.
- Continue holding public discussions on the impact of housing, the role of direct and indirect discrimination, and fair housing law.
- Contract with MCAD, Metro Housing Boston, or Suffolk Law School's Housing Discrimination Testing Program to provide fair housing training, testing, and enforcement in Arlington specifically.
- Work with Town boards and commissions as well as local nonprofits to disseminate educational materials on fair housing.

#### **Strategy B: Alter Town governance structures and processes to address fair housing concerns.**

- Add a Housing Working Group to the Arlington Human Rights Commission that focuses on fair housing issues. A liaison from the Department of Planning and Community Development for this working group should coordinate interdepartmental housing concerns and policy.
- Create a protocol for responding to fair housing complaints or allegations of fair housing violations that is uniform across commissions. The protocol should designate a commission and a staff person with responsibility over the complaint process.
- Change the existing complaint-driven code enforcement system to one with regular, proactive inspections.
- Explore alterations to the Town Meeting schedule and virtual participation methods that could make Town Meeting membership feasible for people who cannot join Town Meeting under the current procedures.

- Institute Equity Impact Assessments for each item on the Town Meeting warrant, particularly housing and development related items.

**Strategy C: Reform the Zoning Bylaw to encourage development that increases fair housing choice.**

- Reduce the overall complexity of the Zoning Bylaw through recodification.
- Allow two-family development by right in nominally single-family districts where two-family dwellings were historically commonplace.
- Allow three-family, townhouse, and multifamily housing options by right in districts nominally meant for them.
- In districts intended for higher densities, only allow single-family developments by Special Permit, if at all.
- Amend restrictive dimensional and parking requirements for multifamily uses that make development infeasible in districts where those uses are appropriate.
- Explore zoning amendments that would allow the conversion of large existing single-family homes to two- and three-family homes.
- Explore zoning amendments that would allow two- and three-family homes in single-family districts where the total building size is similar to that of abutting single-family homes.
- Ensure zoning conforms with new state-level requirements for MBTA communities.
- Provide loans or grants to homeowners to develop accessory dwelling units in exchange for affordability restrictions.
- Raise the threshold for EDR review, particularly on major corridors, replacing that review with performance standards for new developments.
- Limit subjective criteria in discretionary reviews, eliminate review standards that perpetuate segregation, and define clear performance and design standards that projects will be reviewed against.
- Consider distinct density and dimensional regulations for development that is 100% affordable housing.
- Consider approvals by right for developments that are 100% affordable housing.

**Strategy D: Use non-zoning techniques to encourage development that increases fair housing choice.**

- Provide opportunities for housing developments that would trigger the Town's inclusionary zoning requirement.
- Amend Arlington's local preference policy to be more welcoming to nonresidents.
- Draft guidelines for addressing accessibility concerns on historic properties.
- Institute clear conservation performance standards for properties in conservation areas zoned for multifamily uses. These standards, if followed, should ensure approval from the Conservation Commission.
- Plan for and permit new housing development that could address Arlington's share of the regional housing supply gap.
- Encourage new developments to include sufficient accessible units.
- Prioritize family-sized units for new affordable housing units, including purpose-built affordable housing and inclusionary units.

**Strategy E: Use Town resources to create opportunities to meet housing need.**

- Explore expansions to Arlington's tax exemption system that could apply to all income-eligible members of protected classes.
- Set a minimum annual dollar amount and minimum percent of CPA funds (above the statutory minimum) and CDBG funds that will go to address housing needs.
- Continue working with affordable housing providers and strategically using CPA and CDBG funds to create opportunities for HOME funding.
- Assess alternative funding resources such as housing bonds.

- Offer grants or low-interest loans to retrofit historic housing for accessibility.
- Explore funding opportunities to assist small property owners with lead abatement or removal.

**Strategy F: Alter Arlington Housing Authority policy to increase fair housing choice.**

- Explore the voluntary adoption of Small Area Fair Market Rents or exception payment standards.
- Eliminate rental application fees for voucher holders.
- Encourage landlords to follow HUD's guidance on the use of criminal backgrounds in screening tenants.
- Eliminate barriers to tenant participation in AHA meetings by providing childcare and/or meeting at alternative times and days of the week.

**Strategy G: Protect tenants in protected classes from displacement.**

- Bolster protections of tenants by requiring property owners to give significant notice to tenants when they are preparing to redevelop or sell a property and when they are planning to raise rents.
- Advocate for passage of the Tenant Opportunity to Purchase Act at the state level. If it passes, support tenant purchasers through funding and technical support.

**Strategy H: Encourage access to private housing by protected classes.**

- Conduct targeted outreach and provide tenant application assistance and support to persons with disabilities, including individuals transitioning from institutional settings and individuals who are at risk of institutionalization.
- Maintain a database of housing that is accessible to persons with disabilities.
- Partner with one or more financial institutions and quasi-public institutions like the Massachusetts Housing Partnership to market available financing options to protected classes. Ensure those mortgage products are fair to borrowers.

**From:** Mitchell Cook

**Sent:** Tuesday, September 5, 2023 1:08 PM

**To:** Eugene Benson; Kin Lau; Stephen Revilak; Melisa Tintocalis; Rachel Zsembery; arfrinfo@gmail.com; Claire Ricker; Jim Feeney; MBTA Communities; Ashley Maher; Eric Helmuth; Stephen DeCoursey; Len Diggins; John Hurd; Diane Mahon

**Subject:** With Regard to the MBTA Communities Act

Sorry if this email cc's more people than necessary, or board members who are not relevant to the discussion. I found most of these emails through a flier sent to me in the mail. I am writing to provide a perspective and written comment on the subject of the MBTA Communities Act in the hope that the opinion of a young local be heard at these meetings, since they are typically dominated by an older generation that is well ingrained in local politics, and does not necessarily represent the opinion of the whole community.

I am writing because I fully support the plan under review by the ARB that allocates housing for "3.5 times" the required housing necessary by the MBTA Act. There is a large and vocal group of protestors who are taking great efforts to strike this plan down, and I would like to provide a voice of support for it.

Put simply, the housing market in Arlington (and Massachusetts in general) is out of control. The average price for a 2 bedroom condo in Arlington (which consists of half of a house shared with another condo), is approximately \$1m. As a young engineer who makes \$150k/yr, who is currently renting in the area, I dream of maybe one day owning a home in Arlington, but currently the market does not support this. This perspective is from someone who is very fortunate in my career - I make approximately double the median household income in Boston. While making double the median Boston salary, I cannot afford a home in Arlington.

The way that we fix this is by building more homes. This is a process that takes many years, but by increasing the supply of houses, we work against the unsustainable market to help drive prices down. I could write for much longer on this topic, but I hope to be relatively brief in stating my full support for building as much housing as is possible in the Arlington area.

I will now refute several of the common arguments against building housing in Arlington, from the perspective of a young person and prospective home owner.

1. "Is the law going to make Arlington more affordable? 'No one knows, but it is unlikely'". This claim is conjecture and diminutive of the goals of building more housing. Detractors of the MBTA Act claim that all housing that will be built will be purchased by condo developers and that this will not help the local housing community. This is a strawman argument. Will houses continue to be purchased by real estate developers and flipped for expensive prices? Yes. Will building more houses continue to increase the available supply, so that less predatory practices happen and more average people can buy houses? Eventually. Blocking housing from being built does nothing but perpetuate the current unsustainable market. Plain and simple, we need to build more housing to increase the available supply. Blocking housing is nothing but counter-intuitive.

2. "Where will all the cars park?"

This is another strawman argument. The MBTA housing act is explicitly targeted towards building affordable housing near the MBTA. Many residents of these communities do not require cars. Many

people who live in the Arlington area already do not have cars. This is a distraction from the main point of housing. Housing is the primary concern - houses do not need to be built with a guarantee of a parking space. Many high-density housing complexes in virtually any major city have no guarantee of parking. The discussion should be about housing, not vehicle infrastructure.

### 3. "Won't this negatively impact current homeowners?"

This is difficult to project, but current homeowners are often frequently victims of the current housing market. Home values are inflated, which may do things like inflate tax rates on said homes. If we build more homes to drive down housing prices, tax rates should decrease as well.

As a closing statement, I would again like to state my full support for building as much housing in Arlington as possible. As a young person, it is incredibly demoralizing to have a good career and money to spend, yet not have enough housing to simply exist and join the Arlington community. This, again, comes from the perspective of someone incredibly fortunate. The outlook for those less fortunate and making less money and needing affordable housing is incredibly grim in Arlington. Many current homeowners who worked themselves to the bone to own a house in Arlington 30-40 years ago would be impossibly walled out from even renting in Arlington in the current market. It is my personal opinion, but I believe that most opposition to these acts are driven by wealthy local homeowners who do not wish to see their lifestyle change. This gatekeeps housing and the Arlington community, creating a "haves" and "have nots" situation, which only serves as a detriment to our development as a community as a whole.

Hoping my opinion is heard,

Mitchell Cook - a young engineer hoping to one day own in Arlington

**Re: MBTA Communities ARB 9-11-23 Public Meeting; 9-6-2023 comments  
letter attached**

Lynette Culverhouse

Thu 9/7/2023 3:34 AM

To: Gina Sonder

Cc: Claire Ricker; Eugene Benson; MBTA Communities; Kin Lau; Steve Revilak; Melisa Tintocalis; Rachel Zsembery; Sanjay Newton; Rebecca Gruber; Jennifer Joslyn-Siemiatkoski; Sean Garballey; Paulette Schwartz; ed.schwartz@verizon.net; matthewdeanmiller@gmail.com; Kristin Lee Anderson; Gary Goldsmith; Laura Fuller; ianfor11@iangooldsell.com; judsonpiercetm11@gmail.com; emirac@pm.me

As a TMM I want to add my voice to Gina Sonder's. I support the proposal in her letter. It is important to get this passed at TM and I believe that by removing Arlington's autonomy over such a large percentage of zoning will not pass. It feels a little like a way to circumvent TM. Please don't go overboard with by right zoning. Trust TM to do the right thing by supporting further zoning changes that we can have control over.

Lynette Culverhouse

**Re: Arlington resident CONCERNED OVER MBTA density overlay**

L DiStasio <oceanstars333@hotmail.com>

Thu 2023-08-31 21:18

To:Stephen Revilak <srevilak@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello

I am a long time resident of Arlington. I love this town. I am very concerned to hear that the board is willing to increase from the 10% that is required.

I am deeply concerned and have a few questions - given there is no forum for which I can attend since I work during the day when the ARB has been holding their meetings.

1. Where is the plan that shows zoning to allow the 2,046 units required by the law?
2. Why are we going so far beyond what is required, when we are already one of the densest communities in the state?
3. Under what authority does the WG have to over-comply at such an extreme level?
4. How does this benefit Arlington residents at all?
5. What studies of impact on town finances, real estate taxes, congestion, schools, roads/fire /water and sewer and open spaces/trees have been done?

I would appreciate a response.

respectfully,  
Laura DiStasio

Sent from [Mail](#) for Windows

**Re: Arlington resident CONCERNED OVER MBTA density overlay**

L DiStasio <oceanstars333@hotmail.com>

Thu 2023-08-31 21:24

To:Stephen Revilak <srevilak@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

**Hello,**

**I also have more concerns;**

- 1. The Working Group is **not a representative group** of broad parts of Arlington's businesses and residents. In other communities, similar groups must better represent the townspeople. Groups that should be included in the planning process for this largest change in our zoning in our lifetimes include: affordable housing, open and green spaces, historic districts and preservation, business and retail stores, Arlington public schools, Arlington finance committee, to name just a few.
  2. **The process in Arlington should include several scenarios, at least including a map and scenario of meeting, but not exceeding** the Act's requirements of 2,046 units and with some of the density placed, as the Act intends, within easy walking of Alewife. **WHY IS THIS MINIMUM SCENARIO NOT BEING MADE AVAILABLE ?**
  3. **Arlington should better notify and better get the input** of residents and businesses. Other communities are better involving their residents and businesses, such as sending letters or cards to homes and businesses in the density overlay areas, allowing for more public input and comment (Arlington has only had one public forum on July 25 - and comments were two thirds expressing concern). The WG proposals are justified poorly by a 213-respondent survey and an earlier very general survey of 1,000 - which didn't ask about density overlay details.
  4. **The response should have better data about each map/scenario.** Arlington's response has lacked serious studies of the potential negative or unintended effects on services (school overcrowding or need for new schools and infrastructure spending), town finances, effect on existing affordability, effect on real estate taxes.
  5. **Most people just don't know the Arlington 'overcompliance' proposal is happening - and when they do hear about it, they are**

**very concerned.** Arlington's process is a small group of pro-market rate density advocates expressing a minority agenda, instead of a broad effort to involve Arlington's most important stakeholders, the people who live and work here.

I would appreciate a response.

respectfully,  
Laura DiStasio

Sent from [Mail](#) for Windows

## Support MBTA Communities process

Jake Glickel <glickel@gmail.com>

Sat 2023-08-19 09:28

To:Eugene Benson <EBenson@town.arlington.ma.us>;Kin Lau <klau@town.arlington.ma.us>;Melisa Tintocalis <mtintocalis@town.arlington.ma.us>;Rachel Zsembery <rzsembery@town.arlington.ma.us>;Stephen Revilak <srevilak@town.arlington.ma.us>

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Hello Board Members,

I support the drive to go above and beyond the requirements of the MBTA communities to promote more housing in Arlington. I live in the area that could see a lot change, and welcome it. We have a climate and housing affordability crisis and Arlington needs to do its part. I also look forward to more amenities that more housing will spur.

I also support the Sunnyside project.

Thanks,  
Jake Glickel  
42 Bates Rd

**From:** Eugenia Grigoris

**Sent:** Thursday, September 7, 2023 11:50 AM

**To:** Eugene Benson; Kin Lau; Stephen Revilak; Melisa Tintocalis; Rachel Zsembery; Claire Ricker

**Cc:** Stephen DeCoursey; Len Diggins; Eric Helmuth; John Hurd; Diane Mahon; Jim Feeney

**Subject:** MBTA Communities Act Density Overlay Plan - Sept. 11, 2023 Meeting

To the Arlington Redevelopment Board:

The Arlington Redevelopment Board must reject the density overlay plan developed by the MBTA Communities Act Working Group (WG) to be presented to the ARB on September 11, 2023. The WG continues to promote a wildly overcompliant plan designed only to appeal to real estate developers to the detriment of the residents and taxpayers of this town.

The WG has consistently refused to present maps that would actually comply with the Commonwealth's requirements under the MBTA Communities Act. The WG has also refused to discuss what complying with the Act would really mean. In the case of our town, compliance means the creation of 2,046 units of multi-unit housing and not the 7,000 (or 10,000 or 15,000 or even 20,000) envisioned by the WG. Perhaps this should come as no surprise, since the WG appears to be made up largely of real estate developers and pro-density individuals and therefore, unrepresentative of the majority of the residents and taxpayers of Arlington.

The WG's overcompliant plan was described several times by the WG's members as "untethered" to the requirements of the MBTA Communities Act. Why? No mandate was given to the WG to overcomply. They were tasked only with developing a workable and realistic plan acceptable to the Commonwealth and to the residents and taxpayers of Arlington.

Most residents do not even know about the Act or the massive transformation of our town under the extreme plan put forth by the WG. The WG's plan was misrepresented in the post card that they eventually distributed a few days ago. The WG has held only one open meeting at the Town Hall in July, a few other "office hours" at Robbins Library mainly at times when most people cannot attend, and the Tuesday night WG meetings, where the public is not allowed to participate. At no time was actual compliance with the Act seriously discussed nor was any truly compliant map presented.

No studies of the impact on town finances, taxes, congestion, schools, infrastructure, and green/open spaces were done in preparation for the WG's plan.

Arlington is already one of the densest communities in Massachusetts. The transformation envisioned by the WG through the creation of market-rate units, while lucrative for developers and other pro-market rate density advocates who express a minority agenda, would be negative for the most important stakeholders – the people who live and work here.

Arlington is already built out and new market-rate housing will be higher priced. Developers will buy existing housing at a premium, demolish the property, and then build expensive high-density housing. They have every incentive to make such housing as expensive as possible to get the full benefit of their investment. In East Arlington, where a diversity of distinctive and good quality housing exists, including both single and two-family dwellings, the neighborhoods would in the long-run be eradicated. These very dwellings are what have always made East Arlington attractive to new families who appreciate the diversity of the neighborhood and proximity to transportation, schools, services and green spaces.

The WG's overcompliant plan will set in motion a transformation of the town that will be impossible to undo, rendering Arlington unrecognizable in the future. The plan must be rejected by the ARB in favor of a plan that is truly compliant with the law.

Thank you.

Eugenia Grigoris  
11 Bates Road

## Support for MBTA Communities plan

Naomi Gutierrez <gutierrez.n@gmail.com>

Mon 9/4/2023 10:38 AM

To:MBTA Communities <mbtacommunities@town.arlington.ma.us>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern,

I'm writing in support of the Town of Arlington's new zoning plan under the MBTA Communities Act. I live in a five-story apartment building with dozens of units that is within a mile walk of Alewife (or four short stops on the 350 bus). I moved to Arlington four years ago when I was priced out of Cambridge but I have come to love this town and the sense of community, and being able to walk to places like Breadboard Bakery and the many businesses downtown. I would love to become a homeowner in Arlington as well, and the kind of additional density that the zoning changes would allow seem perfect for me as a single adult -- a single-family house is too much space, but a duplex or condo in a larger unit would allow me to put down permanent roots while still living in a walkable area and not adding another car to the roads.

I know there are many loud voices fearmongering about the effects this new zoning will have on our town. I want to put my voice in on the side of adding space for residents of Arlington and any and all measures to ensure that future housing is affordable, environmentally friendly, and welcoming.

Sincerely,  
Naomi Gutierrez  
233 Massachusetts Ave. Apt. 216  
Arlington

**From:** Elise Harmon-Freeman  
**Sent:** Wednesday, September 6, 2023 9:22 AM  
**To:** Eugene Benson; Kin Lau; Stephen Revilak; Melisa Tintocalis; Rachel Zsembery  
**Subject:** In Support of MBTA Communities Rezoning

Hello -

I'm writing in strong support of MBTA Communities Working Group's Alternative 1 map. As an Arlington resident and homeowner, it's very important to me that our community is welcoming, affordable, and has housing options for everyone from young professionals to families to older adults.

By allowing more multifamily housing along Mass Ave and Broadway, we would increase demand for the small businesses on these streets and expand housing options for empty nesters, first time homeowners, and young people.

I've seen signs around town that are very misleading about the level of change that this would bring. Additional housing will only be created if/when property owners choose to redevelop -- a very incremental change that probably won't be quick enough to completely fix the high home prices and crazy competition for housing in Arlington and surrounding towns. When we bought our first home three years ago, my husband and I put in 12 offers before one was finally accepted.

We're a one-car household and do our best to bike, walk, and take public transit as much as possible. In general, it's a much more pleasant way to get around. By building more housing with convenient access to public transportation, shops, libraries, and parks, we give people more opportunities to reduce their car usage.

Elise Harmon-Freeman  
Precinct 7 Resident

## Old Schwamb Mill on proposed MBTA map

Ann LeRoyer <annleroyer12@gmail.com>

Mon 2023-09-04 13:09

To: sanjaynewton@gmail.com <sanjaynewton@gmail.com>; Stephen Revilak <srevilak@town.arlington.ma.us>; Kin Lau <klau@town.arlington.ma.us>  
Cc: Dermot Whittaker <dw61@dermwhittaker.com>

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Hi Sanjay, Steve, and Kin,

I was looking at the two new MBTA Communities maps on the Town website, and noticed that the Old Schwamb Mill at 17 Mill Lane off Lowell St. is included in the Alternative 2 overlay district in the Heights. I know you had taken the Mill out of previous map versions when concerns had been raised, and hope that you can take it out of this map. This registered historic site (which is in zone R7 along with Watermill Place) should not be included in any potential overlay district.

I do note that the Working Group's recommended map Alternative 1 does not include the Mill and this new subdistrict in the Heights, and I thank you for that !

I know that all of the alternatives will be reviewed by the ARB starting on Sept. 11, so I am hoping that Steve and Kin can include this requested change at the ARB hearings before any final map is proposed.

Thanks very much,

Ann LeRoyer

TMM Precinct 17

Old Schwamb Mill board member

CC - Dermot Whittaker, president of the Mill board.

**From:** Nazila Salamat Miller  
**Sent:** Tuesday, September 5, 2023 6:31 PM  
**To:** Eugene Benson; Kin Lau; Stephen Revilak; Melisa Tintocalis; Rachel Zsembery  
**Subject:** Strong Concern about the MBTA Communities Act Proposal

Dear ARB board members,

I am writing to you to express my strong concern about the MBTA Communities Act portion / proposal to allow building more than 3.5 times the minimum number required by Massachusetts.

As a tax-paying town resident of 17 years, I recall choosing Arlington to be home due to lack of congestion and the good schools reputation. I believe the town is already crowded as is, our teachers are taxed to keep up with the number of children in the classrooms, and the traffic is out of control for such a small town (specifically on the roads that intersect with the bike path, which we quit using~ 3-4 years ago as there were too many people and riders on it and it was hazardous for families with children).

Please think about the new high school that is being built, which with the proposed plan may already be undersized even before completion. Please also recall that we voted on increasing taxes several years ago with the promise of no tax increase for many years. Can the town abide by that promise while building 3.5 times of the required amounts of homes?

Please reconsider your plans and scale them to what realistically Arlington can bear to ensure the uniqueness of the town does not get impacted.

Thank you.  
Nazila Miller, Ph.D.

**totally against MBTA communities**

Town of Arlington, MA <do-not-reply@town.arlington.ma.us>

Wed 2023-09-06 13:34

To:Stephen Revilak <srevilak@town.arlington.ma.us>

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Message submitted from the <Town of Arlington> website.

**Site Visitor Name:** Curtis Norden

**Site Visitor Email:** pharoaharl@yahoo.com

Hello,

I am totally opposed to this :

1. Overdevelopment
2. School system
3. Lack of open space for this population
4. Road congestion
5. The impact on the police and fire departments
6. Tax payers – some barely holding on to their homes because of tax increases

Sincerely,

Kurt Albrand

Curtis Norden

40 Chatham St.

**From:** Nili Pearlmutter  
**Sent:** Saturday, September 2, 2023 11:18 AM  
**To:** Claire Ricker  
**Subject:** MBTA Communities Working Group Plan

To Whom it May Concern:

I am writing to express my support for the plan proposed by the MBTA Communities Working Group. If we only propose a plan that meets the requirements, but does not exceed them, the change will be too limited in terms of the ultimate impact on housing. Any changes will be very slow, based on the turnover of individual properties and the practicality and profitability of tearing down existing structures in order to build multi-family housing. More multi-family buildings will bring vitality to our communities, provide housing for seniors, and increase supply, thereby ultimately lowering housing costs. Denser housing is also an important part of becoming more climate friendly.

I would like to add that I live on Harlow St. in East Arlington. The end of the block I live on is part of the proposed rezoning – and I welcome it!

Sincerely,  
Nili Pearlmutter  
Harlow St.

## Marisa Lau

---

**From:** michele phelan <michelephelantownmeeting@gmail.com>  
**Sent:** Saturday, September 2, 2023 1:07 PM  
**To:** Claire Ricker  
**Subject:** Proposed plans

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Good afternoon Claire,

I have seen the MBTA community updated working group PDFs and I'd like to understand how the potential of 7200 units are dispersed throughout the town.

In order to talk to residents about the proposals and provide a clear picture, this information is important. Previous versions included units per subdistrict, etc. but these PDFs dont have that info.

What does "Mass Ave / Broadway subdistrict" mean?

What does "Neighborhood Multifamily subdistrict" mean?

Can you please advise?

Thanks very much,

Michele Phelan  
Precinct 4  
Town Meeting Member since 2017

**ARFRR**

**Town of Arlington, MA <do-not-reply@town.arlington.ma.us>**

Mon 2023-09-04 14:07

To:Stephen Revilak <srevilak@town.arlington.ma.us>

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Message submitted from the <Town of Arlington> website.

**Site Visitor Name:** Jennie Rathbun

**Site Visitor Email:** jhrathbun@gmail.com

I urge you to support ARFRR's proposal for compliance with the MBTA Communities Act in Arlington.  
Jennie Rathbun  
1516 Mass Ave

September 6, 2023

To: Planning & Community Development Director Claire Ricker  
The Arlington Redevelopment Board &  
The Arlington MBTA Communities Working Group &  
The Arlington Department of Planning and Community Development;  
730 Mass Ave. Annex; Arlington, MA 02476

Re: Arlington's MBTA-C WG's Final Report and proposed Zoning Bylaw Amendment  
to The Arlington Redevelopment Board and the State for pre-adoption review.

I see no convincing reason to submit an MBTA District Compliance application to the Executive Office of Housing and Livable Communities (EOHLC) allowing a building by-right capacity for Arlington that far exceeds the required 2046 DUs to comply with State Law.\*

**The Town of Arlington can create and revise its own zoning ByLaws to increase capacity in tandem with MBTA overlay districts to fulfill our housing choice and sustainability goals.**

I do support the concept of creating sub-districts throughout the main transit arteries of Arlington, broadening the multi-family zoning to various neighborhoods. If spreading the sub-districts more widely makes the zoning changes more equitable, resulting in a plan that supports more than the required capacity, I can support a proposal that models **roughly twice the required capacity, but no more.**

I support Arlington's aim to submit an application to EOHLC this fall, one with a measured approach to up-zoning by-right that can pass a vote by Town Meeting this October. I see the importance of remaining eligible for important state grants; participation in the State's pilot fossil fuel ban program; funding from the Mass Works infrastructure project program; advancement of the Town's Net Zero Action Plan goals and Housing Choice; but **I strongly object to giving the State an application that takes away the Town's ability to control such a large percentage of growth in the central spine of our town, unnecessarily.**

Separate from MBTA Communities requirements

- Arlington can zone for mixed-use development on the transit corridors.
- Arlington can zone for "Missing Middle" zoning along minor collector streets in walkable residential neighborhoods.
- Arlington can zone for affordable housing at the Town's 15% ratio.
- Arlington can zone in keeping with the character of a small low-rise & residential neighborhoods that foster community without sacrificing diversity, density, affordability, open-space, tree-canopy, and flexibility.

On its own terms, Arlington can meet and exceed the requirements of MGL c. 40A § 3A. Community feedback has repeatedly made clear that our town is not a city and we do not need to relinquish control of so much potentially predatory development and push out those of us who live here, now.

**Arlington can meet the MBTA required capacity with 4 story buildings on Mass Ave and Broadway and 3 story maximum multi-family structures on the feeder streets.**

Arlington can meet the MBTA required capacity with 4 story buildings on Mass Ave and Broadway and 3 story maximum multi-family structures on the feeder streets.

The proposed MBTA-C Alternatives have **building heights and stories are too high**, and not in keeping with the Town's character or our Zoning Bylaws. That error was made back in the 70's. Should the Town become more like a satellite city to Boston, Arlington can build higher in the future, but for the already existing structures the reverse is not possible.

**Bonus incentives** should allow a maximum of ONE additional story on either the Mass Ave and Broadway corridors (for mix-use; affordable units % > 15%, a courtyard configuration or additional landscaped open space) for a **maximum of 5 stories or 60 feet**, provided that the building does not fully shade adjacent solar panels, and that above the *third* floor, upper floors step back a minimum of 7.5' from a streetfront facade (per Section 5.3.17. of Arlington's current Zoning ByLaws.)

per Arlington's Zoning ByLaws Sec.5.5.2:

Mixed-use <= 20,000 sq. ft. **60'/5 sty; 50'/4 sty; 40'/3 sty.**

Mixed-use >20,000 sq. ft. **60'/5 sty; 50'/4 sty; 40'/3 sty.**

**B5** District > Townhouse or apartment building 75'--

(On a lot >= 40,000 sq. ft. On a lot >= 80,000 sq. ft. 75'--)

**(Sec. 5.4.2 - R4 districts Apt. conversion - 40'/3 sty)**

The MBTA-C proposed warrant article states that:

The height with all bonuses shall not exceed  
 6 stories, **78 feet** in the MBMF on Massachusetts Avenue,  
 5 stories, **65 feet** in the MBMF on Broadway, and  
 4 stories, **46 feet** in the NMF.

The Town's economic feasibility study has not been submitted or approved by the State to allow for a 15% affordability ratio for Arlington's MBTA MF housing, yet the warrant article assumes that Arlington has qualified for such a requirement.

In any development containing six (6) or more dwelling units, at least 15% of the dwelling units shall be Affordable Units as defined in Section 2. DEFINITIONS, and shall conform to all of the affordable housing requirements in Section 8.2.3 Requirements, and Section 8.2.5 Administration, and must be eligible for inclusion on the EOHLC's Subsidized Housing Inventory.

I support incentivizing the creation of affordable housing beyond the State's 10% affordable units/DUs per project ratio, an increased tree canopy, and commercial development that is in scale with this suburban town, but the current proposal still gives away too much control to predatory development and as big a return on investment that the housing market can bear.

As a town which is served by the MBTA, Arlington is obligated to meet Section 3A; and, in partnership with the State, we strive to encourage walkability, MBTA ridership, multi-modal travel, and reduced reliance on passenger cars; however, ***we have a failing MBTA transit system which makes over-compliance a planning and development risk at this time*** - one that will be doubly hard to undo once Arlington submits a plan allowing a vast amount of mass-transit-dependant development.

As reflected at the 7/25/2023 public meeting, a significant number of Arlington residents do not support a 4 story NMF district, nor do they wish to cede control of more land and potential density than required by State Law. Nowhere in the Zoning Amendment do I find that the purpose of the article is to over-comply but rather to "*ensure compliance with MGL c. 40A § 3A.*"

I ask that the ARB, the DCDP, and Town Meeting approve and submit a more moderate plan to EOHLC this year and have the MBTA and the State do their fair share to vastly improve service to the MBTA Communities. The guidelines for determining compliance are bound to be revised, so let Arlington not over-commit the Town to an evolving Zoning Act.

Mixed-use development and housing density can always be expanded in the future, under the Town's own control, in response to housing and market conditions.



Gina Sonder, Registered Architect

Kimball Road, Arlington 02474; [gina@sonder.biz](mailto:gina@sonder.biz)

\*Proposed Capacity and Density per Alt 1 & 2 - summarized:

[Arlington MBTA-C Compliance Model Alternatives - Summary - Sheet1.pdf](#)

Members of the MBTA Working Group, [mbtacommunities@town.arlington.ma.us](mailto:mbtacommunities@town.arlington.ma.us).

Claire Ricker, Director of Planning and Community Development, [cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us)

Members of the ARB: Benson; Lau; Revilak, Tintocalis, & Chair Zsembery

96 of 102

Comments for submission to the ARB Sept 11, 2023 Public Hearing Re: MBTA-C

## Draft Zoning Regulations

### MBTA Communities

August 17, 2023

#### MOTION:

That the Zoning Bylaw of the Town of Arlington, Chapter 5. DISTRICT REGULATIONS be amended by adding Section 9 Multi-Family Residential Overlay Districts under MGL Chapter 40 Section 3(A), ~~renumbering existing Section 9~~, and amending the Zoning Map as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Zoning Bylaw of the Town of Arlington:

- 1) In SECTION 2 DEFINITION/s, add a new definition as follows:

#### **EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES (EOHLC)**

The Massachusetts Executive Office of Housing and Livable Communities.

- 2) Add ~~Section 5.9 Multi-Family Residential Overlay Districts~~ under MGL Chapter 40 Section 3(A) as follows:

The Multi-Family Residential Districts under MGL Chapter 40 Section 3(A) consist of two districts, the **Mass Ave/Broadway Multi-Family (MBMF) and Neighborhood Multi-Family (NMF) Overlay Districts**. The purposes of the Multi-Family Residential Districts are:

1. To respond to the local and regional need for housing by enabling development of a variety of housing types;
2. To promote multi-family housing near retail services, offices, civic, and personal service uses;
3. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation such as the Alewife rapid transit station, bus stops, the Minuteman Commuter Bikeway, and major transportation routes;
4. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
5. To respond to the local and regional need for affordable housing by allowing for a variety of housing types with affordable housing requirements;
6. To encourage economic investment in the redevelopment of properties;
7. To encourage residential uses to provide a customer base for local businesses; and
8. To ensure compliance with MGL c. 40A § 3A;

3. Overlay District. The Mass Ave/Broadway Multi-Family (MBMF) and Neighborhood Multi Family (NMF) Overlay Districts shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply to developments on lots located within the Mass Ave/Broadway Multi-Family and Neighborhood Multi Family Overlay Districts where the property owner has elected to comply with the requirements of the Mass Ave/Broadway Multi-Family or Neighborhood Multi Family Districts, rather than complying with those of the underlying zoning district. If a proposed project is located on parcels within both the Mass Ave/Broadway Multi-Family and the Neighborhood Multi-Family Districts, the provisions of the Mass Ave/Broadway Multi-Family District shall govern.

4. Procedures and Regulations. Development under this section requires Site Plan Review by the Arlington Redevelopment Board (ARB) acting in its role as the Planning Board and Special Permit

Granting Authority (SPGA) as under section 3.3.1 of this ZBL and the Town Manager Act of the Town of Arlington, Massachusetts. The ARB shall provide site plan review administratively for projects via the existing Environmental Design Review (EDR) standard and the Residential Design Guidelines for site layout including lighting, landscaping and buffers, architectural style, outdoor amenities and open spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and EOHLIC's current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.

A. Site Plan Review

1. § 3.4.2 does not apply
2. § 3.4.3.D. and E. do not apply

B. Permitted Uses.

1. All developments under this section shall include multi-family housing.
2. Developments in MBMF District may also include nonresidential uses permitted in an underlying zoning district or in B2 districts, by right or by Special Permit. Non-residential uses are not permitted in the NMF District.
3. Accessory uses for residential uses are permitted to the same extent they would be permitted in the underlying district.

C. Dimensional controls. The dimensional controls are modified as follows for developments under this section:

1. § 5.3.1 Lot Area Per Dwelling Unit does not apply
2. § 5.3.3 Spacing of Residential and Other Buildings on One Lot does not apply.
3. § 5.3.8 Corner Lots and Through Lots does not apply.
4. § 5.3.11 Dimensional Requirements for Courts does not apply.
5. § 5.3.12(A) Traffic Visibility Across Street Corners does not apply in the MBMF district.
6. § 5.3.14 Townhouse Structures does not apply
7. § 5.3.1.7 Upper-Story Building Step Backs are required on all street frontages. Step Backs shall be 7.5' from the property line, starting on the fifth floor.
8. § 5.3.19 Height Buffer Area shall not apply.
9. There shall be no requirements for minimum lot size, lot area per dwelling unit, lot frontage, landscaped or usable open space, Floor Area Ratio, or lot coverage.
10. The minimum required front yard is 15 feet, except that in the MBMF district where the ground floor façade facing the public way is occupied by nonresidential uses, no front yard is required. Minimum required front yard areas shall be available for uses such as trees, landscaping, benches, tables, chairs, play areas, public art, or similar features. Parking spaces are not permitted in the minimum required front yard.
11. § 5.3.10, Average Setback Exception to Minimum Front Yard: All R Districts, may be applied in the NMF Zone.
12. Except as noted below, in *Section a. Bonuses*, the dimensional regulations are as follows:

District	MBMF— Mass. Ave	MBMF-- Broadway	NMF
Max. Height Stories	4	4	4

Max. Height in Feet	52'	52'	46'
Front Setback	15'	15'	15'
Side Setback	5'	5'	10'
Rear Setback	20'	20'	20'

a. Bonuses

- i. In the MBMF District, for properties abutting Massachusetts Avenue, where the ground floor at street level is at least 60% occupied by business uses, and the frontage is at least 80% occupied by business uses, the maximum height is 6 stories and 78', and the front yard setback requirement is reduced to 0'. In the MBMF District, for properties abutting Broadway, where the ground floor at street level is at least 60% occupied by business uses, and the frontage is at least 80% occupied by business uses, the maximum height is 5 stories and 65 feet, and the front yard setback requirement is reduced to 0'.
  - i. In the MBMF District, one additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2 Affordable Housing Requirements by 7.5%. In the MBMF district for properties facing Massachusetts Avenue, an additional story above that may be added if the development's total affordable housing units exceeds the required percentage by an additional 2.5%. All other provisions of Section 8.2 AFFORDABLE HOUSING REQUIREMENTS and Section 2 DEFINITIONS apply.
  - i. In the MBMF District, one additional story is allowed for projects that are SITES certifiable, which encourages high quality design, construction and maintenance of outdoor spaces.
  - ii. The height with all bonuses shall not exceed 6 stories, 78 feet in the MBMF on Massachusetts Avenue, 5 stories, 65 feet in the MBMF on Broadway, and 4 stories, 46 feet in the NMF.

C. Off-Street Parking and Bicycle Parking.

- 1. The minimum parking requirement for dwelling and rooming units is 0 parking spaces per unit, and the maximum parking allowed is one parking space per dwelling or rooming unit. For business uses, no off-street parking is required for the non-residential space.
- 2. Up to 50% of parking spaces may be sized for compact cars (8 feet by 16 feet, per Section 6.1.11 Parking and Loading Space Standards)
- 3. Bicycle parking requirements as set forth in Section 6.1.12 shall apply.
- 4. Developments under this section may provide fewer parking spaces under the provisions of S.6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones.
- 5. All other parking provisions in Section 6.1 OFF STREET PARKING shall apply.

D. Affordable Housing.

1. In any development containing six (6) or more dwelling units, at least 15% of the dwelling units shall be Affordable Units as defined in Section 2. DEFINITIONS, and shall conform to all of the affordable housing requirements in Section 8.2.3 Requirements, and Section 8.2.5 Administration, and must be eligible for inclusion on the EOHLC's Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded up. At least 10% of the dwelling units in any development containing ten (10) or more units shall be Affordable Units conforming with Section 8.2 of the Zoning Bylaw, and eligible for inclusion on the Subsidized Housing Inventory. Bonuses as described in Section 5.9.14(a) shall be applicable over and above the allowed affordable housing percentage.

E. Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to be known as MBMF and NMF Overlay Districts:

## MBTA Communities Working Group Compliance Model Proposals to ARB for 9-11-23 Review

### Arlington MBTA-C Compliance Model Alternative No 1

per recommendation of MBTA-C WG

**Summary Table**

Data Metric	District 1	District 2	District 3	District 4	District 5	Totals
District Name	Mass Ave/Broadway EAST	Mass Ave/Broadway HEIGHTS	Neighborhood MF EAST	Neighborhood MF HEIGHTS	Neighborhood MF HEIGHTS Extension	
District Acreage (see note)	26.9	13.7	15.2	45.7	8.5	<b>110</b>
District Density Denominator (see note)	26.9	13	15.2	45.7	8.5	<b>109.3</b>
<b>Final Unit Capacity per District</b>	<b>2,202</b>	<b>1,168</b>	<b>872</b>	<b>2,569</b>	<b>457</b>	<b>7,268</b>
<b>DU/AC</b>	<b>81.9</b>	<b>89.6</b>	<b>57.4</b>	<b>56.2</b>	<b>53.7</b>	<b>66.5</b>
Parcel Acreage	21.5	12.6	13.3	38.9	7	<b>93.3</b>
Total Built Square Feet	2,249,909	1,188,862	925,983	2,695,318	488,636	<b>7,548,707</b>
Total Units in Station Area	24	0	68	0	0	<b>92</b>
Non-Conforming Parcels	0	0	0	0	0	<b>0</b>
Total Excluded Land (sf)	0	31,162	0	3,806	5	<b>34,973</b>
Total Open Space (sf)	374,985	250,080	347,243	1,019,695	183,252	<b>2,175,254</b>
Total Parking Area (sf)	0	0	0	0	0	<b>0</b>
Units Forgone due to Unit Cap in Zoning	0	0	0	0	0	<b>0</b>

**Comparison Table of Requirements and Modeled Results**

Category	Guideline	Requ	Modeled	Results
Community:	Arlington	Arlington		
Community Category:	Adjacent commr	Adjacent community		
2020 Housing Units (Census PL-94):	20,461	20,461		
Minimum Multi-family Unit Capacity:	2,046	7,268		
Minimum Land Area:	32	110		
Developable station area:	57.75	57.75		
% Unit Capacity within Transit Station Areas:	0%	0%		
% Land Area Located in Transit Station Areas:	0%	0%		

## Arlington MBTA-C Compliance Model Alternative No 2

for the consideration of the ARB

### Summary Table

Data Metric	District 1	District 2	District 3	District 4	District 5	Totals
District Name	Mass Ave / Broadway EAST	Mass Ave / Broadway HEIGHTS	Neighborhood MF EAST	Neighborhood MF HEIGHTS	Neighborhood MF HEIGHTS Extension	
District Acreage (see note)	26.9	13.3	15.2	48.6	11.2	<b>115.2</b>
District Density Denominator (see note)	26.9	12.6	15.2	48.6	10.2	<b>113.5</b>
<b>Final Unit Capacity per District</b>	<b>2,202</b>	<b>1,123</b>	<b>872</b>	<b>2,739</b>	<b>455</b>	<b>7,391</b>
<b>DU/AC</b>	<b>81.9</b>	<b>89.1</b>	<b>57.4</b>	<b>56.4</b>	<b>44.6</b>	<b>65.1</b>
Parcel Acreage	21.5	12.1	13.3	41.4	9.3	<b>97.6</b>
Total Built Square Feet	2,249,909	1,142,733	925,983	2,871,228	483,706	<b>7,673,559</b>
Total Units in Station Area	24	0	68	0	0	<b>92</b>
Non-Conforming Parcels	0	0	0	0	0	<b>0</b>
Total Excluded Land (sf)	0	31,162	0	3,806	52,241	<b>87,209</b>
Total Open Space (sf)	374,985	242,392	347,243	1,085,661	294,107	<b>2,344,388</b>
Total Parking Area (sf)	0	0	0	0	0	<b>0</b>
Units Forgone due to Unit Cap in Zoning	0	0	0	0	0	<b>0</b>

### Comparison Table of Requirements and Modeled Results

Category	Guideline Requ	Modeled Results
Community:	Arlington	Arlington
Community Category:	Adjacent commr	Adjacent community
2020 Housing Units (Census PL-94):	20,461	20,461
Minimum Multi-family Unit Capacity:	2,046	7,391
Minimum Land Area:	32	115.2
Developable station area:	57.75	57.75
% Unit Capacity within Transit Station Areas:	0%	0%
% Land Area Located in Transit Station Areas:	0%	0%